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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, January 27, 2003, at 2 p.m.

Senate

THURSDAY, JANUARY 23, 2003

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

(Continued)

AMENDMENT NO. 246 TO AMENDMENT NO. 61

Mr. THOMAS. Mr. President, the amendment is at the desk.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. THOMAS) proposes an amendment numbered No. 246 to amendment No. 61.

Mr. THOMAS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word and insert the following:

While nothing in this section shall prevent any agency of the executive branch from subjecting work performed by Federal Government employees or private contractors to public-private competition or conversions, none of the funds made available in this Act may be used by an agency of the executive branch to establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of the executive agency to public-private competitions or for converting such employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy unless the goal, target, or quota is based on considered research and sound analysis of past activities and is consistent with the stated mission of the executive agency. Nothing in this section shall limit the use of such funds for the administration of the Government Performance and Results Act of 1993 or for the administration of any other provision of law.

Mr. THOMAS. Mr. President, this is a second-degree amendment to the underlying amendment. We discussed this amendment this morning and delayed a vote in hopes of coming to a compromise over some of the concerns that were raised. For nearly 2 hours the administration officials, my staff, Senator COLLINS' staff, Senator BROWNBACK, and Senator MIKULSKI worked to find a way to address these concerns. Unfortunately, the Senator from Maryland did not agree with that.

So I am offering this amendment. The compromise was reached that the administration believes allows the Government, the President, to continue setting important management goals for the public-private competition. What this is, of course, is allowing for the FAIR Act, which was passed in 1998, to continue to be effective, where we can go through and list those items that are not inherently governmental and have some competition for those items in the private sector so we can have certainly a more efficient Government. This is the way we think we ought to do it.

This amendment would allow for the restrictions on the quotas. But when there has been study, when there has been a real approach to what can be done and the kinds of activities that fit, then we can move forward.

The complaint here on the amendment has simply been because of setting quotas. Quotas does not mean that people will be replaced by private enterprise, but, rather, areas that are not inherently governmental will be used.

I turn now to the Senator from Maine for her comments.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I think the Senator from Maryland has raised a very legitimate point about the use of arbitrary quotas or numerical targets to guide the contracting-out activities of Federal agencies. It seems to me that having one target for every agency may well be counterproductive and not result in the greatest efficiencies.

On the other hand, I am concerned that the amendment of the Senator from Maryland may have some unintended consequences. It could be read as rejecting the notion of ever having competitive contracting, to see whether a specific function is best performed in-house or contracted out to the private sector.

I am also concerned that it could have an impact on other laws, although I know that is not the intent of the Senator from Maryland.

We have consulted with the General Accounting Office and have come up with some language to try to deal with this. I do want to assure the Senator from Maryland, as the new chairman of the Governmental Affairs Committee, I want to work with her to try to resolve this issue because the issue she has brought to our attention is a legitimate one. So I hope to continue, in my new capacity, to work with her, to work with the Senator from Wyoming,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

to work with the Senators from Virginia who have also expressed concerns about this issue.

Mr. THOMAS. Mr. President, I yield now to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I——

Ms. MIKULSKI. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, parliamentary inquiry: First, I recognize that the Senator has time. But I didn't know if we were going to alternate speakers. Does the Senator from Wyoming intend to use all of his 15 minutes and then turn it over to me?

I am sorry. I don't want to in any way deny the Senator from Ohio his right to speak. Usually one side makes an argument, and then the other replies, and then go back. Are we not doing that?

Mr. THOMAS. I understood we had 15 minutes to present our point of view and that the others would present their point of view.

Ms. MIKULSKI. This discussion will be on my time. But usually when we have a time allocation we go back and forth. Is the Senator from Wyoming going to take all of his 15 minutes and then give me all of mine? Is that the way we are going to do it?

Mr. THOMAS. That was my understanding.

The PRESIDING OFFICER. The Chair will say that there is no agreement to go back and forth. The Senator from Ohio has the floor at the moment.

Ms. MIKULSKI. Mr. President, the Senator from Ohio has the right to speak, but it was not part of the agreement. I was just referring to the usual and customary behavior in the Senate.

Mr. REID. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Chair would also announce that the 15 minutes was to be evenly divided——

Ms. MIKULSKI. No. We didn't.

The PRESIDING OFFICER. On each amendment.

Ms. MIKULSKI. When do I get my time? There are 15 minutes on each amendment?

The PRESIDING OFFICER. That is correct—evenly divided on each amendment by 7½ minutes.

The Senator from Ohio.

Mr. VOINOVICH. Mr. President, how much time do we have on this side?

The PRESIDING OFFICER. Three minutes twenty seconds remain.

Mr. VOINOVICH. I thank the Chair.

First, I share the concerns of the Senator from Maryland about this problem, and I want to do everything in my power as chairman of the subcommittee on Government oversight and work toward dealing with the solution to the problem that is being presented.

According to the best information I have, this amendment would circumvent the administration's prerogative in the executive branch by prohibiting the administration from managing the Federal Government's competitive sourcing process. It would repeal initiatives passed on a bipartisan basis over the past 10 years, including the Government Performance Act.

The amendment would prohibit agencies from developing and implementing strategic plans allowing Federal employees to focus on high-priority activities, and it would prevent agencies from increasing efficiencies, lowering costs, implementing innovation and technology, and it would prevent agencies to meet their agency missions.

Additionally, the President has said that if this provision were in the Treasury-Postal appropriations, he would veto the bill.

We tried to work out a compromise based on some of these concerns that he had. We thought that it met the concerns of the Senator from Maryland. Unfortunately, it did not.

I urge that we vote no on her amendment and yes on the amendment we are proposing today—understanding this will not solve the problem and that we will need to deal with it throughout the remainder of the year.

Mr. THOMAS. Mr. President, do I have time remaining?

The PRESIDING OFFICER. The Senator from Wyoming has 1½ minutes.

Mr. THOMAS. I would like to turn to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I thank the Senator from Wyoming for his leadership. I rise in support of his amendment, and, as the Senator from Ohio said, in opposition to the amendment of the Senator from Maryland.

My friends and colleagues, we need to always, as a government, be looking at new ways of adopting innovation and have improvements—whether it is our national security or homeland defense. There are many ideas, many systems, and many programs in the private sector that can perform more efficiently and better for the American people. We need to examine those.

I think the Bush administration's proposal is very modest and reasonable, and it is supported by a variety of private sector groups. The Mikulski amendment is opposed by a broad range of organizations, such as the Northern Virginia Technology Council, the U.S. Chamber of Commerce, the Professional Services Council, the Contract Services Association, and many others.

For small businesses, large businesses, disadvantaged businesses, minority-owned businesses, let us care about the jobs in the private sector. Let us also care about those governmental services that are essential for our security, but let us make what we are procuring the best for all Americans.

I ask my colleagues to support the amendment of Senator THOMAS and oppose the amendment of the Senator from Maryland.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Maryland is recognized for 7½ minutes.

Ms. MIKULSKI. Mr. President, I rise with vigor to unabashedly oppose the amendment of the Senator from Wyoming. The reason I do is that he reintroduces the words ''quota'' and ''target.''

The amendment of the Senator from Wyoming essentially says that a ''target'' or a ''goal'' is to be considered—''target, target, quota, quota.'' I thought we didn't like targets and quotas. I am surprised that the Senator from Wyoming is so enthusiastic about them.

Under the Thomas amendment, Federal managers will still be forced to meet arbitrary quotas for privatization without real criteria, rationales, or consideration. Under the Thomas amendment, the goal is to get a quota or a target—not better government.

Let us be very clear. My original amendment never did seek the end to privatization. Privatization must be based on thoughtful criteria as established by the Congress in the FAIR Act.

Let us privatize Federal jobs where appropriate, but let us keep a strong, independent Federal workforce.

I want to deal with the very valid issues raised by the Senator from Maine. I agree. I wanted to modify my amendment. I wanted to modify my amendment by adding what is now in the first paragraph in the Thomas amendment, which I agree to—that nothing in this section would prevent any agency of the executive branch from subjecting work performed by the Federal Government employees to be contracted out to public or private competition.

I wanted to do that this morning. The Senator from Wyoming would not agree to that modification. We went into a dialog. In the dialog, the Senator from Maine, again, offered a very constructive recommendation—that nothing in this section would limit the use of such funds under the Government Performance Act.

I was willing to go with that. If we had agreed to that, we could have agreed to that modification this morning and Senators could be heading home tonight. But, no, OMB had to get into the act. They insisted that this paragraph say, unless there has to be a target or quota. Sure. They say based on research and sound analysis.

Let me tell you. When the fox is guarding the hen house, I don't care what accounting system they have. They are still going after targets and they are still going after quotas. That is why I object to the amendment of the Senator from Wyoming.

I would love to have agreed to the original two paragraphs that I think would have met the very valid concern of the other side.

I salute those on the other side who are reformers. But, no, we didn't go that route.

I am still opposing it. Anything with the word ''target'' in it and anything with the word ''quota'' in it. I am fighting today. I am fighting all night, if I have to. I will fight tomorrow, and I will fight on until the end of the 108th Congress.

I am not going to destroy the integrity of the civil service system with arbitrary quotas and with arbitrary and capricious targets. We are going to do this right. We are going to do it under the law. We are not going to turn Federal managers into bounty hunters.

How much time do I have?

The PRESIDING OFFICER. The Senator from Maryland has 3½ minutes.

Mr. SPECTER. Mr. President, I am voting in favor of Senator MIKULSKI's amendment and against Senator THOMAS' amendment because the Thomas amendment provides for quotas. I favor contracting out where there is an individual analysis that saves the Federal Government money and maintains appropriate quality. I have consistently opposed quotas in school admissions and employment and I similarly oppose quotas in this situation.

Ms. MIKULSKI. Mr. President, I hope when we do another process such as this and enter into negotiations and when the negotiation is over we don't come back and offer something that had been rejected as an amendment.

I am disappointed that this amendment is being offered. That is politics. Everyone has a right to offer their amendments. I accept the offer of the Senator from Maine and the Senator from Ohio for the long haul and for discussion.

This is very serious. We do know we need a modernized civil service. We do know we need to reform. But we do not need targets and quotas where OMB has said itself, get rid of 127,000, 500,000 jobs this year. So 127,000 people? Who are we going to get rid of? Let's start with the Nobel prize winners at NIH. Who needs them? They can go off to the private sector. Good-bye. Who needs a Nobel prize winner for finding the cure for Alzheimer's? Maybe we could contract out Customs officers. Maybe we could go to rent-a-cop agencies.

Or what about those secretaries who keep the agencies going—like the one who went to my high school who has worked for the FBI for nearly 50 years in Baltimore, who has helped keep the FBI going, such as when the FBI was out trying to find the sniper who killed several Marylanders and people from Northern Virginia.

I don't know what is so hostile about Federal employees. If we want to save money in pensions, and if we want to save money in health care, that is another issue. But bounty hunters? No. Maybe bounty hunters are OK when you go after predators, but I don't think the Federal employees should be subjected to bounty hunters.

Guess who else is opposed to this amendment. Federal managers, because they say all they are going to be doing is paperwork to be able to justify this.

I could elaborate. Everybody knows I am opposed to the Thomas amendment because it is just a dressed-up version of going after quotas, which I tried to stop in the first place.

Mr. President, I know that it is getting late. I think we ought to have a vote on this. If I prevail, by defeating the Thomas amendment, we are done. If not, I am going to come back and have another say.

Mr. President, I yield all of my time back.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. THOMAS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—50

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Miller
Bennett	Ensign	Murkowski
Bond	Enzi	Nickles
Brownback	Fitzgerald	Roberts
Bunning	Frist	Santorum
Burns	Graham (SC)	Sessions
Campbell	Grassley	Shelby
Chafee	Gregg	Smith
Chambliss	Hagel	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Talent
Collins	Inhofe	Thomas
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	

NAYS—48

Akaka	Dorgan	Lieberman
Baucus	Durbin	Lincoln
Bayh	Edwards	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Graham (FL)	Nelson (NE)
Breaux	Hollings	Pryor
Byrd	Jeffords	Reed
Cantwell	Johnson	Reid
Carper	Kennedy	Rockefeller
Clinton	Kerry	Sarbanes
Conrad	Kohl	Schumer
Corzine	Landrieu	Snowe
Daschle	Lautenberg	Specter
Dayton	Leahy	Stabenow
Dodd	Levin	Wyden

NOT VOTING—2

Harkin	Inouye

The amendment (No. 246) was agreed to.

Mr. ALLEN. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland is recognized.

AMENDMENT NO. 247

Ms. MIKULSKI. Mr. President, I send an amendment to the desk, which is provided for under the unanimous consent agreement.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland (Ms. MIKULSKI) proposes an amendment numbered 247.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit funds to be used to establish, apply, or enforce certain goals relating to Federal employees and public-private competitions or work force conversions, and for other purposes)

In lieu of the language proposed to be inserted insert the following:

SEC. . None of the funds made available in this Act may be used by an Executive agency to establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of the agency to public-private competitions or converting such employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other Administrative regulation, directive, or policy. This section shall take effect one day after the date of this bill's enactment.

Ms. MIKULSKI. Mr. President, I believe we can move expeditiously along on this debate. Might I inquire from the Presiding Officer the amount of time we have to debate this amendment?

The PRESIDING OFFICER. The Senator from Maryland has 7½ minutes, and the Senator from Wyoming has 7½ minutes.

Ms. MIKULSKI. I thank the Chair.

Mr. President, my amendment is the original amendment that I had pending this morning. It seeks to maintain the integrity of the civil service system by making sure that civil service is never subjected to bounty hunters looking to get rid of their jobs through arbitrary and capricious targets and quotas. It makes sure that the civil service never lapses into cronyism or political patronage.

My amendment prevents Federal agencies from establishing or applying arbitrary targets or quotas for the contracting out of Federal jobs.

I want to be clear that my amendment does not prohibit privatization. Privatization can continue to go forth as established by Congress in the FAIR Act of 1998. It allows contracting out. I don't object to that. What I object to is targets, quotas, and bounty hunters. Firstly, this is the smallest Federal workforce since the 1960s. Next, we are at war. We are fighting a war against terrorism. We also created a new agency called Homeland Security. Lastly, we are facing the largest number of potential retirees from civil service in over 30 years.

Don't we want a civil service? I am proud of the civil service. Members of my family have been part of the Federal civil service. My brother-in-law was a librarian, I have a sister who was a secretary, and I am a Senator. I believe if we are going to recruit and retain the people we need, we need to make sure we do not embark upon this arbitrary, capricious, hostile, and predatory behavior. That is not the way to govern. That is not the way to inspire. That is not the way to recruit, and it is certainly not the way to retain.

It is not that BARBARA MIKULSKI is opposed to this; Federal managers are opposed to this amendment. They are concerned that they are going to be writing lots of justifications on how to retain jobs. They want to fight for America. They want to fight for or perform the missions of their agencies. We went from an era of patronage politics. Now we are embroiled in an atmosphere of partisan politics. I wish we could get back to performance-based politics, sound civil service, good reform, some of the ideas being proposed by the other side of the aisle, looking at what should be contracted out, which would maintain the mission of the agency, give value to the taxpayer but dignity to the Federal employee.

So what is wrong with that? I will tell you why the amendment is being opposed. What we want to be able to do is allow the privatization to occur under the laws that now exist.

The FAIR Act of 1998 and the 76–OMB circular that was established in the 1960s in the Kennedy-Johnson era is what I want.

My amendment simply prohibits the arbitrary and capricious contracting out by saying:

> None of the funds made available in this act may be used by an executive agency to establish, apply, or enforce numerical targets or quotas.

That is all it says.

If you are for quotas, vote for this. If you are for targets, vote for this. If you are for arbitrary and capricious decisionmaking, go ahead and do it. Who is going to hire these people? Are we going to create new corporations?

What about all those guys who worked for Enron? Maybe they could get into ''let's hire a public employee and privatize.'' And all the guys from WorldCom, maybe when they get out on parole they could start a new agency to pick up these Federal employees.

I do not know for the life of me why we are so hostile to Federal employees. We have less of a workforce now, and we are asking them to fight for America; we are asking them to work for missions, the agencies. We took away their privileges in homeland security, and now we are going to take away their jobs.

Mr. REID. I ask to be made a cosponsor.

Ms. MIKULSKI. I thank the Senator from Nevada for asking to be a cosponsor. I reserve such time as I may have.

The PRESIDING OFFICER. Who yields time? The Senator from Wyoming.

Mr. THOMAS. Mr. President I remind my colleagues that the amendment this body just agreed to contains word for word the amendment of the Senator from Maryland. However, it goes on to explain that as we go through the 76 process; it is not the quotas that matter. That is what gives some guidance to management. What you have to do is study the issue and make sure that is the appropriate place.

It seems to me we ought to be looking a little bit ahead instead of being defensive about big Government and everyone working in the big Government. We all like Government. We like the employees. They do a good job. The point is, do you want an efficient Government or one that continues to grow and pays no attention to efficiency and has no competition? What we are talking about is a bill that was passed in 1998 which said we are going to list those functions within the Federal Government that are not specifically governmental, that could be done outside the Government, and compete.

I cannot imagine what is wrong with the idea of having competition, what is wrong with the idea of being more efficient. They are still jobs. We are not taking away jobs. They may be moving to the private sector where they can compete and do that particular function of Government more efficiently.

The idea that we just sit here and defend civil service because they are working—it disturbs me when we talk about secretaries. This does not have anything to do with secretaries. This has to do with those functions in Government that can be done by contracting with the private sector. There are a lot of those functions, and there are a lot of those functions that are already in place.

We need to go ahead with what we have done. I suppose it is somewhat philosophical: If you do not like the private sector, if you do not like competition or like to create opportunities for people to compete, then I suppose that is the way you feel.

There are a number of reasons to oppose the amendment.

The administration worked at this compromise. The administration and OMB said they are going to suggest to the President that if this provision passes, that the bill be vetoed. Senior advisers are recommending the President veto any legislation that challenges a management agenda to be more efficient.

By the way, before this appropriations bill was passed, this amendment was taken out. It was in there, and it was defeated last year. This is not the first time we have dealt with this issue, and each time it has been defeated because most of us think competition is a good idea. Most of us think efficiency is a good idea. Most of us think we ought to keep Government as small as we can and get the job done that way.

Therefore, I urge we defeat this amendment that is before us and continue to move ahead with the opportunity for the Federal Government to carry out a plan of more efficiency and a plan that passed in the Congress to do that.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Is the Senator yielding back all his time?

Mr. THOMAS. I am yielding back.

Ms. MIKULSKI. Excuse me?

Mr. THOMAS. I yield back my time. I am sorry.

The PRESIDING OFFICER. Does the Senator wish to be recognized?

Mr. ALLEN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Maryland has 2 minutes 28 seconds. The Senator from Wyoming has 4 minutes 44 seconds.

The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise in opposition to the Mikulski amendment. As we focus on this after having previously accepted the amendment of the Senator from Wyoming, let me share with my colleagues the views of people who would be affected by this in the private sector.

The Information Technology Association of America recognizes that as a result of this amendment, rather than promote competition and better management of the Federal Government, the Bush administration would face restrictions. There are many companies in the ITAA. There are large companies, some small startups, as well as industry leaders in software and the Internet. All of these companies would be denied opportunities or hampered by this amendment and therefore urge us to vote no.

Other associations, such as the Northern Virginia Technology Council, which consists of 1,600 members and 180,000 employees, urge us to vote no as well. Bobbie Kilberg, the president, says this amendment would significantly limit private sector involvement and discourage competition vital to the technology community.

The Contract Services Association of America, an industry representative for private sector companies that provide services to the Federal, State, and local governments—they include small disadvantaged businesses, Native American-owned businesses, section 8(a)-certified companies—wants to have those folks working for the public good.

The Professional Services Council recognizes that we want to hold the executive branch responsible for efficient management of services and looks at this amendment as one that would harm the ability of the administration to do so.

The Chamber of Commerce of the United States looks at this issue in a way with which I agree, and that is, that this is the time to create more efficient and effective partnerships between the public and private sectors, not to restrict policies that limit funding or flexibility in sourcing and decisionmaking processes.

We talk about homeland security. It is very important. Many wonderful public servants will be involved in homeland security, but what is really going to help homeland security is the adaptation, the utilization of technologies from enterprise services that allow them to analyze the volumes of information, share it within those agencies, also with other agencies in a secure way, and with State and local governments.

It is important that in this time when we are worrying about the cost of Government and worrying about the taxpayers, we should not be limiting the ability of our Government to respond to changing economic and security needs of the American people.

While I understand the heartfelt sincerity of the Senator from Maryland, I think there are a lot of people we need to be worried about, and let's make sure we are providing the very best of services to the people of this country.

Competition has always been good. It has made it better. Let's adapt, let's innovate, and let's move forward in a principled way. I ask my colleagues to defeat this amendment. I thank the Chair.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Wyoming.

Mr. THOMAS. I guess we are going to use this time. I might as well join in.

I want to read a part of a communication from OMB:

> Now is the wrong time to short-circuit implementation of the common sense principle of competition—a proven prescription for reaping significant cost savings and performance enhancements—especially since numerous agencies are starting to make real progress. The principle of competition was unanimously adopted by the recent congressionally-mandated Commercial Activities Panel. Prohibiting the funding for public-private competitions is akin to mandating a monopoly regardless of the impact on services to citizens and the added costs to taxpayers. If the final version of the bill would contain such a provision—

Talking about this amendment—

> the President's senior advisers would recommend that he veto the bill.

The PRESIDING OFFICER. The time controlled by the Senator from Wyoming has expired.

Mr. SARBANES. Mr. President, I rise today in support of an amendment offered by Senator MIKULSKI regarding the use of quotas in contracting out Government jobs. The administration has put forth proposals requiring that a specified number of jobs usually performed by Federal employees be contracted out to private companies each year. Senator MIKULSKI's amendment would prevent any of the funding in the omnibus appropriations bill to be used in the enforcement of these quotas.

The administration states that this is an issue of efficiency. I disagree. There is no evidence that contracting out Federal Government jobs saves the Government time or money. In fact, the opposite is often true, the Federal Government is overcharged for less efficient work by private companies, work that could be done more efficiently and more effectively by Federal employees. Too often, jobs are simply contracted out without a proper public-private competition, and without continued monitoring of whether any cost savings actually results. Furthermore, by requiring that a set number of Federal jobs be contracted out each year, the jobs may be contracted out without any regard to cost savings.

In addition, national security is now of vital importance to our Nation. We must take a close look at the implications of contracting out to ensure that our national interests are being protected. We need Federal employees to do these jobs, jobs that are not suited to the private sector. Indeed, Federal employees are now screening baggage at our Nation's airports, one of the most vital roles in this unprecedented time. Requiring that a certain number of Federal jobs be contracted out each year could result in the contracting out of jobs vital to our national security.

I firmly believe that the United States Government should not contract out jobs merely for the sake of ''reducing'' the Federal workforce. Nor should we show a preference to contract employees over our dedicated public servants who have demonstrated such determination and commitment in this difficult time. I urge my colleagues to support Senator MIKULSKI's amendment and oppose the use of quotas in the contracting out of jobs already ably performed by our Federal employees.

Mr. KENNEDY. Mr. President, I strongly support Senator MIKULSKI's amendment to prohibit arbitrary, ''one-size-fits-all'' privatization quotas for Federal agencies. Under the amendment, agencies would still be able to compete, convert, and contract out Federal activities, but on a case-by-case basis, with the goal of maximizing quality and cost-efficiency.

Under the OMB quotas, Federal departments and agencies are encouraged to privatize five percent of their jobs now, and 50 percent by next year. The administration's current policy will lead to the privatization of 850,000 jobs, nearly half the Federal workforce.

Fair competition and contracting out can be effective when used in the right way. But, this quota system imposes a blanket mandate on all Federal agencies, without taking into account individual agency needs. Agencies are not all alike. It may be appropriate to contract out the construction of military equipment or the mowing the lawn. But, many Americans will have serious concerns about contracting out the food inspections conducted by the Department of Agriculture, or the tax audits performed by the Internal Revenue Service. It makes no sense to impose the same privatization policy on every agency.

The Government has a responsibility to provide its services efficiently and effectively and with accountability. Under the administration's quota system, a broad range of sensitive and critical activities could be privatized without accountability, including some that could put our national security at risk. Those who safeguard our borders and those who repair our planes, ships, and tanks should be held accountable for their work.

Despite the growing reliance on private contractors, Federal agencies today do not have a method in place to hold contractors accountable. Many of us have deep concerns about privatizing so much of the Federal workforce in the absence of reliable and comprehensive measures to determine the quality of the tens of billions of dollars of work performed by private contractors. There are no mechanisms to track the quality of service contracting. Some agencies served by contractors today do not even know which services are being provided by contractors.

In addition, privatization under the administration's current quota system can occur without competition. Many Federal jobs will be lost, with no opportunity for the Federal employees to compete and demonstrate their efficiency. Currently, when Federal jobs are opened to competition, Federal workers are hired more than half the time. It makes no sense to privatize work that Federal workers can do more efficiently. The administration's proposal gives an unacceptable preference for private contractors over public workers.

The administration's proposal will reduce the standard of living for large numbers of Federal workers, since contractors have incentives to reduce costs by offering inferior compensation. According to the Economic Policy Institute, one in ten contractor employees earns less than a living wage. When work is privatized, displaced Federal workers are likely to lose their health benefits and their security for the future.

Several groups have voiced their opposition to the administration's plan. The Federal Managers Association, which represents the executives, managers, and supervisors in the Federal government, has stated its support for the Mikulski amendment. As the association states, the amendment will ''provide Federal agencies and departments with the ability to use competition to truly benefit the American people and not require competition for the sake of fulfilling quotas.'' Even the Commercial Activities Panel, comprised largely of contractors, opposes the privatization plan because it believes that such decisions require informed judgements and analyses that consider the specific needs of each agency.

The Mikulski amendment will preserve the high standards which make Government responsive to the needs of our citizens, and I urge the Senate to support it.

Mr. KERRY. Mr. President, I strongly support the amendment offered by Senator MIKULSKI that would prevent Federal agencies from establishing, applying, or enforcing any numerical goal, target, or quota for the contracting out of Federal jobs. The Mikulski amendment is identical to language that passed the House by a large, bipartisan margin and was included in the House fiscal year 2003 Treasury appropriations.

I was very troubled by the Office of Management and Budget's directive to contract out 850,000 jobs over the next 3 years. I was concerned because the OMB privatization quotas encourage agencies to privatize Federal employee jobs without public-private competition, which is unfair both to the affected employees as well as the taxpayers. In fact the OMB quotas force agencies to privatize Federal employee jobs that even Federal managers believe should continue to be performed by reliable Federal employees.

Senator MIKULSKI's amendment is reasonable and fair. It allows for the contracting out of Federal employee jobs, but it prevents jobs from arbitrarily being privatized. Instead it will ensure that thoughtful criteria are established before Federal employee jobs are given away. This is an issue of fundamental fairness, and about establishing a fair and reasonable process.

I strongly support Senator MIKULSKI's amendment and I urge my colleagues to vote for it.

Ms. MIKULSKI. Mr. President, I want to make a few quick points. First, my amendment, word for word, was voted for in the House of Representatives. I say to my friends on the other side of the aisle and to my very good friend, the Senator from Virginia, that this amendment was offered by two Congressmen from Virginia, MORAN and WOLF. This amendment passed the House 261 to 166. TOM DAVIS, JO ANN DAVIS, and FRANK WOLF voted for this. I might also note that the Presiding Officer voted for it when he was in the House. So it had bipartisan support.

I wish we had that bipartisan support. I wish the people who voted for it in the House would vote for it now that they are in the Senate. That is No. 1.

No. 2, who would be contracted out? OMB has told the agencies, 127,500 people by the end of 2003. They are going to go for the largest numbers in the quickest way. It is going to be clerical. It is going to be support. It is going to be the mail. It is going to have a tremendous impact on people of color who have worked their way into Federal civil service.

If one reads the Federal Managers Magazine, they have said the VA has said it is going to have a tremendous impact, they fear, on their diversity. The same has also been said by other agencies.

Again, I am not looking for quotas in diversity anymore than I am looking for quotas in contracting out, but I want us to know who is going to be affected. It is not going to be that high-tech software engineer.

I believe that just as the Northern Virginia High Tech Council has offered great ideas and ingenuity through their members, so has Maryland. We understand that.

Let's look at NIH. Let's look at FDA. Who is going to be contracted out there? Is it really going to be the Nobel prize winner? No. It is going to be a lot of folks who do the thankless day to day work who are going to be contracted out.

Now, my colleagues also need to know, I fear for national security. In many of these agencies, it is going to be the blue-collar jobs, such as the electricians, the people who are the facility managers, and others.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Ms. MIKULSKI. Vote yes on Mikulski.

Mr. REID. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 247. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii, (Mr. INOUYE), and the Senator from Massachusetts, (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 50, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—47

Akaka	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Bayh	Edwards	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Boxer	Graham (FL)	Pryor
Breaux	Hollings	Reed
Byrd	Jeffords	Reid
Cantwell	Johnson	Rockefeller
Carper	Kennedy	Sarbanes
Clinton	Kohl	Schumer
Conrad	Landrieu	Snowe
Corzine	Lautenberg	Specter
Daschle	Leahy	Stabenow
Dayton	Levin	Wyden
Dodd	Lieberman	

NAYS—50

Alexander	Craig	Inhofe
Allard	Crapo	Kyl
Allen	DeWine	Lott
Bennett	Dole	Lugar
Bond	Domenici	McCain
Brownback	Ensign	McConnell
Bunning	Enzi	Miller
Burns	Fitzgerald	Murkowski
Campbell	Frist	Nickles
Chafee	Graham (SC)	Roberts
Chambliss	Grassley	Santorum
Cochran	Gregg	Sessions
Coleman	Hagel	Shelby
Collins	Hatch	Smith
Cornyn	Hutchison	Stevens
Sununu	Talent	Voinovich
	Thomas	Warner

NOT VOTING—3

Harkin	Inouye	Kerry

The amendment (No. 247) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the underlying amendment is agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I wish to present to the Senate a series of amendments that have been modified since they have been introduced. After that, the Senator from New Jersey has an amendment to offer on which there will be a 15-minute time limitation equally divided. I ask unanimous consent that there be 15 minutes equally divided on the amendment of the Senator from New Jersey with no other amendments in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. After the Senator's amendment is presented, we will have a vote in relation to that. I will probably move to table it. We, then, will have a series of amendments from the agriculture subcommittee and from the interior subcommittee that have been worked out. Following that, Senator STABENOW wishes to offer a sense-of-the-Senate resolution and speak briefly.

We will then go to third reading. We have, I believe, two Members who wish to speak briefly before third reading. If Senators will stay with us, we will probably have about 45 minutes to an hour of time ahead of us.

Does the Senator from Nevada have any comment about that?

Mr. REID. No. On our side, prior to third reading, we have Senator STABENOW who wants to make a brief statement on her sense-of-the-Senate amendment. And Senator DAYTON is going to ask for up to 5 minutes before final passage.

Mr. STEVENS. I think I misspoke. I think Senator STABENOW wishes to have a sense-of-the-Senate regarding conferees. Am I correct?

Ms. STABENOW. That is correct.

Mr. LAUTENBERG. Mr. President, if the Senator from Alaska will yield, I think there is an understanding that I am going to modify the amendment I have at the desk.

Mr. STEVENS. I have not said that. The Senator has that right. But I am offering modified amendments before we take up the Senator's amendment.

Mr. LAUTENBERG. I thank the manager.

AMENDMENTS NOS. 6, 83, 85, 131, 136, 144, 156, 172, 150, 199, 186, 142, 178, 57, 167, 166, AND 188, AS MODIFIED

Mr. STEVENS. Mr. President, I now offer a series of amendments, and after I name them I will ask that they be considered en bloc: Amendment No. 112 offered by Senator BUNNING and Senator SANTORUM—these are modifications at the desk that have been cleared on both sides—amendment No. 6 by Senator COLEMAN; amendment No. 83 by Senator REID; amendment No. 85 by Senator REID; amendment No. 131 by Senators HARKIN, DURBIN, and LANDRIEU; amendment No. 136 by Senator MIKULSKI and others; amendment No. 144 by Senator SANTORUM; amendment No. 156 by Senator DOMENICI; amendment No. 172 by Senators LANDRIEU and SNOWE; amendment No. 150 by Senator MURKOWSKI and myself; amendment No. 199 by Senators DURBIN and HUTCHISON; amendment No. 186, which is a sense-of-the-Senate resolution by Senator BOND; amendment No. 142 by Senator REID; amendment No. 178 by Senator NELSON of Florida; amendment No. 57 by Senator MCCAIN—that is the Korea sense-of-the-Senate resolution—amendment No. 167 by Senator BYRD; amendment No. 166 by Senator BYRD—that is the China commission—and amendment No. 188 by Senator DODD.

To my knowledge, we have no objections to any of those.

Mr. REID. Mr. President, 112 has not been cleared on this side.

Mr. STEVENS. No. 112 was cleared. We showed that to you. It was the one modified by your subcommittee.

Mr. KYL. Mr. President, I think the Korea resolution sense of the Senate was in that list that the chairman read.

Mr. STEVENS. It was.

Mr. KYL. I wanted to speak for 5 minutes on that.

Mr. STEVENS. Will the Senator make the statement after we adopt this package?

Mr. KYL. Sure.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, could I just ask——

Mr. STEVENS. I still have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. BINGAMAN. Not wishing to object, I ask if any disposition has been made on amendment 126.

Mr. STEVENS. We have not been able to clear that one yet. It is not in this package. We have another series in a package. There is another package coming later.

Mr. BINGAMAN. I will wait for the remaining package. If not, I will ask for a vote on it.

Mr. STEVENS. We will confer with the Senator.

I now ask unanimous consent that the series of amendments that I have referred to be modified in accordance with the submissions that are at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, what is the consent request?

The PRESIDING OFFICER. There is a unanimous consent request that the amendments as presented at the desk be agreed to.

Mr. STEVENS. Modified in accordance with the way we presented them to the desk. I, first, want to modify them.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, I ask unanimous consent they be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, before they are agreed to, I have to work out a situation on amendment No. 112.

Mr. STEVENS. I ask, then, that No. 112 be taken out of this package.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. It will be at the desk, and we will consider it later.

I ask unanimous consent that these amendments be considered en bloc and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 6, AS MODIFIED

(Purpose: To increase funding for the Paul and Sheila Wellstone Center for Community Building)

On page 928, line 24, strike ''$3,000,000'' and insert in lieu thereof ''$5,000,000''.

AMENDMENT NO. 83, AS MODIFIED

SEC. . Notwithstanding any other provision of law, the National Nuclear Security Administration is prohibited from taking any actions adversely affecting employment at its Nevada Operations Office for a period of not less than 365 days.

AMENDMENT NO. 85, AS MODIFIED

At the appropriate place, insert the following:

SEC. . The Secretary of the Interior, and the heads of the other participating Federal agencies, may participate in the CALFED Bay-Delta Authority established by the California Bay-Delta Act (2002 Cal. Stat. Chap. 812), to the extent not inconsistent with other law. The Secretary of the Interior, in carrying out CALFED activities, may undertake feasibility studies for Sites Reservoir, Los Vaqueros Enlargement, In-Delta Storage, and Upper San Joaquin Storage projects. These storage studies should be pursued along with on-going environmental and other projects in a balanced manner.

AMENDMENT NO. 131 AS MODIFIED

(Purpose: To increase appropriations for the Legal Services Corporation by $19,000,000 to ensure that no service area (including a merged or reconfigured service area) receives less funding under the Legal Services Corporation Act for fiscal year 2003 than the area received for fiscal year 2002, due to use of data from the 2000 Census, and to offset the increased appropriations by reducing funds for travel, supplies, and printing expenses)

On page 170, line 1, strike ''$329,397,000,'' and insert ''$348,397,000, of which $19,000,000 (referred to in this title as the 'supplemental legal assistance amount') is to provide supplemental funding for basic field programs, and related administration, to ensure that no service area (including a merged or reconfigured service area) receives less funding under the Legal Services Corporation Act for fiscal year 2003 than the area received for fiscal year 2002, due to use of data from the 2000 Census, and''.

On page 111, line 25, strike ''$50,000,000,'' and insert $31,000,000.''

AMENDMENT NO. 136 AS MODIFIED

(Purpose: To increase funding for certain nursing programs as authorized under the Nurse Reinvestment Act, and increase funding for International Mother and Child HIV Prevention)

At the appropriate place in title II of division G, insert the following:

SEC. . (a) IN GENERAL.—In addition to amounts otherwise appropriated under this Act to carry out programs and activities under title VIII of the Public Health Service Act, there are appropriated an additional $20,000,000, to remain available until expended, to carry out programs and activities authorized under sections 831, 846, 846A, 851, 852, and 855 of such Act (as amended by the Nurse Reinvestment Act (Public Law 107–205)).

On page 571, line 24, strike ''$4,302,749,000'' and insert ''$4,317,749,000'' in lieu thereof.

On page 572, line 1, strike ''$168,763,000'' and insert ''$183,763,000'' in lieu thereof.

On page 572, line 18 after the colon, insert the following: ''*Provided further*, That of the amounts provided herein for international HIV/AIDS, $40,000,000 shall be for the International Mother and Child HIV Prevention Initiative.''.

On page 640, increase the amount on line 2 by $35,000,000.

AMENDMENT NO. 144 AS MODIFIED

(Purpose: To make funds available for the treatment and prevention of HIV/AIDS include family preservation efforts)

On page 311, line 7, before the period at the end insert the following: ''*Provided further*, That the funds under this heading that are available for the treatment and prevention of HIV/AIDS should also include programs and activities that are designed to maintain and preserve the families of those persons afflicted with HIV/AIDS and to reduce the numbers of orphans created by HIV/AIDS''

AMENDMENT NO. 156 AS MODIFIED

(Purpose: To clarify the use of funding under the National Fire Plan)

On page 489, line 8, after ''Service;'' add the following new proviso: *Provided further*, That funds for hazardous fuel treatment under this heading may be used for the County Partnership Restoration Program for forest restoration on the Apache-Sitgreaves National Forest in Arizona, the Lincoln National Forest in New Mexico, and the Grand Mesa, Uncompahgre and Gunnison National Forest in Colorado;''

AMENDMENT NO. 172 AS MODIFIED

(Purpose: To provide for the protection of the rights of women in Afghanistan, and to improve the conditions for women in Afghanistan)

On page 397, line 12, delete all after ''fund'','' through ''opportunities'' on line 17, and insert in lieu thereof:

, not less than $8,000,000 may be made available for programs to support women's development in Afghanistan, including girl's and women's education, health, legal and social rights, economic opportunities, and political participation: *Provided further*, That of the funds provided in the previous proviso, $5,000,000 may be made available to support

activities directed by the Afghan Ministry of Women's Affairs including the establishment of women's resource centers in Afghanistan, and not less than $1,500,000 should be made available to support activities of the National Human Rights Commission of Afghanistan: *Provided further,* That one year after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that details women's development programs in Afghanistan supported by the United States Government, and barriers that impede women's development in Afghanistan.

AMENDMENT NO. 199 AS MODIFIED

On page 257, strike lines 9 through 15 and insert the following in lieu thereof:

''None of the funds contained in this Act may be made available to pay:

(a) the fees of an attorney who represents a party in an action or an attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

(b) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.''

AMENDMENT NO. 150 AS MODIFIED

SEC. . The document entitled ''Final Environmental Impact Statement for the Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way (FEIS)'' dated November 2002, shall be deemed sufficient to meet the requirements of section 102(2)(C) of the National environmental Policy Act (42 U.S.C. 4332(2)(C)) with respect to the determination contained in the Record of Decision dated January 8, 2003 relating to the renewal of the Federal right-of-way for the Trans-Alaska Pipeline and related facilities.

AMENDMENT NO. 186, AS MODIFIED

(Purpose: To prohibit the use of funds by the United States Fish and Wildlife Service to impose on the Corps of Engineers certain requirements relating to the Missouri River)

On page 486, between lines 8 and 9, insert the following:

SEC. 1——. MISSOURI RIVER.

None of the funds made available by this Act may be used by the United States Fish and Wildlife Service—

(1) to require the Corps of Engineers to implement a steady release flow schedule for the Missouri River; or

It is the sense of the Congress that the member States and Tribes of the Missouri River Basin Association are strongly encouraged to reach agreement on a flow schedule for the Missouri River as soon as practicable for 2003.

AMENDMENT NO. 142, AS MODIFIED

(Purpose: To protect, restore, and enhance fish, wildlife, and associated habitats of certain lakes and rivers)

On page 80, between lines 3 and 4, insert the following:

SEC. 7——. RESTORATION OF FISH, WILDLIFE, AND ASSOCIATED HABITATS IN WATERSHEDS OF CERTAIN LAKES.

(a) IN GENERAL.—In carrying out section 2507 of Public Law 107–171, the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) subject to paragraph (3), provide water and assistance under that section only for the Pyramid, Summit, and Walker Lakes in the State of Nevada;

(2) use $1,000,000 for the creation of a fish hatchery at Walker Lake to benefit the Walker River Paiute Tribe; and

(3) use $2,000,000 to provide grants, to be divided equally, to the State of Nevada, the State of California, the Truckee Meadows Water Authority, and the Pyramid Lake Paiute Tribe, to implement the Truckee River settlement Act, P.L. 101–618.

(c) ADMINISTRATION.—The Secretary of the Interior, acting through the Commissioner of Reclamation, may provide financial assistance to State and local public agencies, Indian tribes, nonprofit organizations, and individuals to carry out this section and section 2507 of Public Law 107–171.

AMENDMENT NO. 178, AS MODIFIED

(Purpose: To make additional appropriations for emergency relief activities)

At the appropriate place, insert the following:

SEC. . In addition to amounts appropriated by this Act under the heading ''Public Law 480 Title II Grants'', there is appropriated, out of funds in the Treasury not otherwise appropriated, $500,000,000 for assistance for emergency relief activities: Provided, That the amount appropriated under this section shall remain available through September 30, 2004.

AMENDMENT NO. 57 AS MODIFIED

(Purpose: To express the sense of the Senate with respect to North Korea)

At the appropriate place, insert the following:

SEC. ____. SENSE OF THE SENATE WITH RESPECT TO NORTH KOREA.

It is the sense of the Senate that—

(1) North Korea has violated the basic terms of the Agreed Framework Between the United States of America and the Democratic People's Republic of Korea, signed in Geneva on October 21, 1994 (and the Confidential Minute to that agreement), and the North-South Joint Declaration on the Denuclearization of the Korean Peninsula by pursuing the enrichment of uranium for the purpose of building a nuclear weapon and by ''nuclearizing'' the Korean peninsula;

(2) North Korea has announced its intention to restart the 5-megawatt reactor and related reprocessing facility at Yongbyon, which were frozen under the Agreed Framework, and has expelled the International Atomic Energy Agency personnel monitoring the freeze;

(3) North Korea has announced its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968 (21 UST 483);

(4) the Agreed Framework is, as a result of North Korea's own actions over several years and recent declaration, null and void;

(5) North Korea's pursuit and development of nuclear weapons is of grave concern and represents a serious threat to the security of the United States, its regional allies, and friends;

(6) North Korea must immediately come into compliance with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and other commitments to the international community;

(7) any diplomatic solution to the North Korean crisis must achieve the total dismantlement of North Korea's nuclear weapons and nuclear production capability, including effective and comprehensive verification requirements, on-site monitoring, and free access for the investigation of all sites of concern;

(8) the United States, in conjunction with the Republic of Korea and other allies in the Pacific region, should take measures to ensure the highest possible level of deterrence and military readiness against the multiple threats that North Korea poses;

(9) since 1995, the United States has been the single largest food donor to North Korea, providing $620,000,000 in food aid assistance over that time;

(10) North Korea does not allow full verification of the use of food aid assistance, as shown by the failure of North Korea to permit the World Food Program to introduce a system of random access monitoring of such use in North Korea and the failure of North Korea to provide the World Food Program with a list of institutions through which World Food Program food is provided to beneficiaries;

(11) the failures described in paragraph (10) fall short of humanitarian practice in emergency operations in other parts of the world; and

(12) North Korea should allow full verification of the use of food aid assistance by—

(A) providing the World Food Program with a list of institutions through which World Food Program food is provided to beneficiaries;

(B) permitting the World Food Program to introduce a system of random access monitoring in North Korea; and

(C) providing access for the World Food Program in all counties in North Korea.

AMENDMENT NO. 167 AS MODIFIED

(Purpose: To modify the requirements relating to the allocation of interest of the Abandoned Mine Reclamation Fund)

At the appropriate place insert the following:

SEC. . TREATMENT OF ABANDONED MINE RECLAMATION FUND INTEREST.

(a) IN GENERAL.—Notwithstanding any other provision of law, any interest credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) shall be transferred to the Combined Fund identified in section 402(h)(2) of such Act (30 U.S.C. 1232(h)(2)), up to such amount as is estimated by the trustees of such Combined Fund to offset the amount of any deficit in net assets in the Combined Fund. No transfers made pursuant to this section shall exceed $24,000,000.

(b) PROHIBITION ON OTHER TRANSFERS.—Except as provided in subsection (a), no principal amounts in or credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) may be transferred to the Combine Fund identified in section 402(h)(2) of such Act (30 U.S.C. 1232(h)(2)).

(c) LIMITATION.—This section shall cease to have any force and effect after September 30, 2004.

AMENDMENT NO. 166, AS MODIFIED

(Purpose: To rename the United States-China Security Review Commission as the United States-China Economic and Security Review Commission, and for other purposes)

On page 713, strike line 23 and all that follows through page 714, line 3, and insert the following:

SEC. 209. United States-China Economic and Security Review Commission.

(a) APPROPRIATIONS.—There are appropriated, out of any funds in the Treasury not otherwise appropriated, $1,800,000, to remain available until expended, to the United States-China Economic and Security Review Commission.

(b) NAME CHANGE.—

(1) IN GENERAL.—Section 1238 of the Floyd D. Spence National Defense Authorization Act of 2001 (22 U.S.C. 7002) is amended—

(A) in the section heading by inserting ''**ECONOMIC AND**'' before ''**SECURITY**'';

(B) in subsection (a)—
(i) in paragraph (1), by inserting ''Economic and'' before ''Security''; and
(ii) in paragraph (2), by inserting ''Economic and '' before ''Security'';
(C) in subsection (b)—
(i) in the subsection heading, by inserting ''ECONOMIC AND'' before ''SECURITY'';
(ii) in paragraph (1), by inserting ''Economic and'' before ''Security'';
(iii) in paragraph (3)—
(I) in the matter preceding subparagraph (A), by inserting ''Economic and'' before ''Security''; and
(II) in subparagraph (H), by inserting ''Economic and'' before ''Security''; and
(iv) in paragraph (4), by inserting ''Economic and'' before ''Security'' each place it appears; and
(D) in subsection (e)—
(i) in paragraph (1), by inserting ''Economic and'' before ''Security'';
(ii) in paragraph (2), by inserting ''Economic and'' before ''Security'';
(iii) in paragraph (3)—
(I) in the first sentence, by inserting ''Economic and'' before ''Security''; and
(II) in the second sentence, by inserting ''Economic and'' before ''Security'';
(iv) in paragraph (4), by inserting ''Economic and'' before ''Security''; and
(v) in paragraph (6), by inserting ''Economic and'' before ''Security'' each place it appears.

(2) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the United States-China Economic and Security Review Commission shall be deemed to refer to the United States-China Economic and Security Review Commission.

(c) MEMBERSHIP, RESPONSIBILITIES, AND TERMS.—

(1) IN GENERAL.—Section 1238(b)(3) of the Floyd D. Spencer National Defense Authorization Act of 2001 (22 U.S.C. 7002) is amended—

(A) by striking subparagraph (F) and inserting the following:

''(F) each appointing authority referred to under subparagraphs (A) through (D) of this paragraph shall—

''(i) appoint 3 members to the Commission;

''(ii) make the appointments on a staggered term basis, such that—

''(I) 1 appointment shall be for a term expiring on December 31, 2003; and

''(II) 1 appointment shall be for a term expiring on December 31, 2004; and

''(III) 1 appointment shall be for a term expiring on December 31, 2005;

''(iii) make all subsequent appointments on an approximate 2-year term basis to expire on December 31 of the applicable year; and

''(iv) make appointments not later than 30 days after the date on which each new Congress convenes;''.

(2) RESPONSIBILITIES OF THE COMMISSION.—The U.S.-China Commission shall focus on the following nine areas when conducting its work during fiscal year 2003 and beyond:

A. PROLIFERATION PRACTICES.—The Commission shall analyze and assess the Chinese role in the proliferation of weapons of mass destruction and other weapons (including dual use technologies) to terrorist-sponsoring states, and suggest possible steps which the U.S. might take, including economic sanctions, to encourage the Chinese to stop such practices;

B. ECONOMIC REFORMS AND UNITED STATES ECONOMIC TRANSFERS.—The Commission shall—analyze and assess the qualitative and quantitative nature of the shift of United States production activities to China, including the relocation of high-technology, manufacturing, and R&D facilities; the impact of these transfers on United States national security, including political influence by the Chinese Government over American firms, dependence of the United States national security industrial base on Chinese imports, the adequacy of United States export control laws, and the effect of these transfers on U.S. economic security, employment, and the standard of living of the American people; analyze China's national budget and assess China's fiscal strength to address internal instability problems and assess the likelihood of externalization of such problems;

(C) ENERGY.—The Commission shall evaluate and assess how China's large and growing economy will impact upon world energy supplies and the role the U.S. can play, including joint R&D efforts and technological assistance, in influencing China's energy policy;

(D) UNITED STATES CAPITAL MARKETS.—The Commission shall evaluate the extent of Chinese access to, and use of, United States capital markets, and whether the existing disclosure and transparency rules are adequate to identify Chinese companies which are active in United States markets and are also engaged in proliferation activities;

(E) CORPORATE REPORTING.—The Commissions shall assess United States trade and investment relationship with China, including the need for corporate reporting on United States investments in China and incentives that China may be offering to United States corporations to relocate production and R&D to China.

(F) REGIONAL ECONOMIC AND SECURITY IMPACTS.—The Commission shall assess the extent of China's ''hollowing-out'' of Asian manufacturing economies, and the impact on United States economic and security interests in the region; review the triangular economic and security relationship among the United States, Taipei and Beijing, including Beijing's military modernization and force deployments aimed at Taipei, and the adequacy of United States executive branch coordination and consultation with Congress on United States arms sales and defense relationship with Taipei;

(G) UNITED STATES-CHINA BILATERAL PROGRAMS.—The Commission shall assess science and technology programs to evaluate if the United States is developing an adequate coordinating mechanism with appropriate review by the intelligence community and Congress; assess the degree of non-compliance by China and United States-China agreements on prison labor imports and intellectual property rights; evaluate U.S. enforcement policies; and recommend what new measures the United States Government might take to strengthen our laws and enforcement activities and to encourage compliance by the Chinese;

(H) WORLD TRADE ORGANIZATION COMPLIANCE.—The Commission shall review China's record of compliance to date with its accession agreement to the WTO, and explore what incentives and policy initiatives should be pursued to promote further compliance by China;

(I) MEDIA CONTROL.—The Commission shall evaluate Chinese government efforts to influence and control perceptions of the United States and its policies through the internet, the Chinese print and electronic media, and Chinese internal propaganda.

(3) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act.

AMENDMENT NO. 188, AS MODIFIED

(Purpose: To exempt Head Start programs from across the board rescissions)

Notwithstanding any other provisions of this Act, the $6,667,533,000 provided for the Head Start Act shall be exempt from the across-the-board rescission under Section 601 of Discussion.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, Senator LAUTENBERG has 5 minutes on his amendment on the Superfund.

Mr. REID. Mr. President, if the Senator wants to call up amendment No. 112 now, he can.

Mr. STEVENS. Very well.

AMENDMENT NO. 112, AS MODIFIED

Mr. STEVENS. Mr. President, I call up amendment No. 112.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] proposes an amendment numbered 112, as modified.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 112 AS MODIFIED

(Purpose: The Secretary of HHS may make grants to purchase ultrasound equipment)

At the end of the general provisions relating to the Department of Health and Human Services, insert the following:

SEC. ___. GRANTS FOR PURCHASE OF ULTRASOUND EQUIPMENT.

(a) IN GENERAL.—The Secretary of Health and Human Services may make grants for the purchase of ultrasound equipment. Such ultrasound equipment shall be used by the recipients of such grants to provide, under the direction and supervision of a licensed physician, free ultrasound examinations to pregnant woman needing medical services: *Provided, That:* the Secretary shall give priority in awarding grants to those organizations that agree to adhere to professional guidelines for counseling pregnant women. Whereby a pregnant woman is fully informed in a non-biased manner about all options.

Mr. STEVENS. Mr. President, I ask for the immediate adoption of the modified amendment.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 112), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the manager.

AMENDMENT NO. 192, AS MODIFIED

Mr. LAUTENBERG. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 192.

Mr. President, I ask unanimous consent to modify the amendment that is at the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. STEVENS. Mr. President, reserving the right to object, we have not seen the modification.

I remove that objection.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 192), as modified, is as follows:

AMENDMENT NO. 192 AS MODIFIED

(Purpose: To increase the appropriation for the Hazardous Substance Superfund)

On page 982, strike lines 21 through 25 and insert the following:

per project; $1,372,888,000, to remain available until expended, consisting of $736,444,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99–499; 100 Stat. 1613), and $636,444,000 as a payment from general

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 7½ minutes.

Mr. LAUTENBERG. I thank the Chair.

The authorization level under the Superfund law for this year is $11.5 billion. The bill before us provides $1.27 billion. Of that amount, 50 percent comes from the Superfund trust fund and the rest comes from general revenues.

There is now about $120 million in unobligated funds left in the Superfund trust fund. My amendment takes $100 million of that and adds it to the $1.27 billion so that we can increase the number of contaminated sites we will be cleaning up, but also to give some encouragement to a group of highly trained professionals so they can look to a continuation of a career that has been devoted to getting these sites cleaned up.

My amendment doesn't fully fund the program, but because the average cost of cleanup in a normal Superfund site is $12 million, this $100 million could help protect eight more communities from contaminated ground water and toxic soil in their neighborhoods.

From the beginning, an important principle of Superfund has been that those responsible for the contamination should pay for the cleanup. The polluters—not the general public—should pay.

In keeping with this principle, my amendment draws only from the trust fund, not from general revenues.

Unfortunately, it seems that some have lost sight of the ''polluter pays'' principle at the heart of the Superfund program.

In the appropriations bill before us, taxpayers, not polluters, would pay for 50 percent of the cleanup program. This simply isn't fair to our Nation's taxpayers.

But the ''polluter pays'' principle is fair. It has worked, and it should be preserved. Yet the tax on petroleum and chemical products—the sources of contamination at most Superfund sites—has been allowed to lapse. We need to reauthorize the funding source and reinstate a dependable revenue stream for the program, but that is a debate for another day. In the interim, we have to do more with what we have.

In the 4 years leading up to the year 2000, an average of 87 Superfund were being cleaned up each year. Since then, the number has dropped by half: 42 sites cleaned up in 2001 and 47 sites cleaned up in 2002. This isn't acceptable nor is it responsible.

Adequate funding for Superfund is a very serious matter for the people of my home State of New Jersey. My State has 113 hazardous waste sites on the National Priority List (NPL)—more than any other State.

But I would quickly point out this isn't simply an urban-State problem. The largest Superfund site in the country right now is in Coeur d'Alene, ID, one of the most beautiful States in our country. And yet there is this blight in their midst. And we see the same thing in Montana, another rural mountain State, so beautiful with nature's blessing.

Mrs. BOXER. Will the Senator yield?

Mr. LAUTENBERG. Sure.

Mrs. BOXER. Mr. President, I want to take a moment to thank the Senator from New Jersey and say how wonderful it is, for anyone who cares about the environment and of cleaning up the environment, to have him back.

This is a very important amendment. Superfund sites are all over the country in almost every single State. They hurt our people. They are dangerous to our children. They have to be cleaned up.

The Senator is right. Polluter pays is the way we ought to go with these funds. So I just wanted to rise to thank my friend.

Mr. LAUTENBERG. Mr. President, I thank the Senator from California. We have worked diligently together to try to turn these Superfund sites from environmental and health hazards into productive properties for the affected communities.

I yield to the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I commend the Senator for the amendment. It is a crime that we have not been utilizing the Superfund the way it should be utilized. The Senator is putting it back on track. I commend the Senator for his efforts.

Mr. LAUTENBERG. I thank the Senator from Vermont.

Mr. CORZINE. Will my colleague from New Jersey yield?

Mr. LAUTENBERG. Yes. I yield to my colleague.

Mr. CORZINE. I just want to reinforce and reemphasize how important this is in our State of New Jersey with the 113 sites. By the way, there is an increasing sense—scientific sense, data sense—that we are having a high incidence of cancer in areas that surround these sites.

This is a health problem. It really is something that needs to be addressed. I think my colleague from New Jersey is doing exactly the right thing to bring this issue forward.

Mr. LAUTENBERG. I thank my distinguished colleague.

Mr. President, nationally, one in four Americans lives within 4 miles of an NPL site. That is unacceptable. Contaminated sites endanger our environment, they endanger our health, they endanger our economy.

We have money in the trust fund. We should use it. We desperately need to clean up these sites and make them safe and productive again, especially for the sake of the communities that surround them. Having these blighted locations throughout our country is simply that; it is a plague on these communities. We ought to get on with transforming them from wastelands into industrial, commercial, and residential sites that benefit everybody.

This amendment is cosponsored by several of my colleagues, including Senator CORZINE, Senator BOXER, Senator KENNEDY, Senator BIDEN, Senator CLINTON, Senator NELSON of Florida, Senator JEFFORDS of Vermont, Senator KERRY, and Senator SCHUMER.

Mr. President, I hope we will be able to use these funds for the purpose intended: cleaning up more Superfund sites faster in the coming year. I urge adoption of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I rise in opposition to the Lautenberg amendment. I look over and see both Senators from Louisiana here. I can assure you that money is not just the answer. I remember at Bossier City there was a site that the Federal Government was going to clean up. It was going to cost X dollars. I don't remember the exact amount, but I didn't know this amendment was going to come up. After we spent quite a bit of time, we found that the responsible parties were willing to do it under State supervision. All of the parishes agreed to it. All of the citizens, neighborhood groups, agreed to it. Yet they were still going to do it. We ended up forcing this through and cleaning it up for one-half the amount of money and in one-half of the time.

We need to reform the Superfund system. I would argue with my good friend from Idaho, I think we have the largest Superfund problem in Tar Creek in the State of Oklahoma.

I will not yield to my friend because I think I need my time.

But I would say this: We have spent about $100 million on it over the last 15 years, and it has not resolved the problem. We want to reform the system. We need to reform the system. And, of course, there are no offsets. So I know that will mean something to some of the people.

But let's go ahead, give our committee a chance, give Senator CHAFEE, whose subcommittee has the jurisdiction, a chance to go in here and do a better job rather than pouring money on a system that is not working today.

Now I will yield——

Mr. CRAIG. One minute.

Mr. INHOFE. One minute to the Senator from Idaho.

Mr. CRAIG. The superfund site in Coeur d'Alene, ID, that the Senator from New Jersey referred to, 3 years ago was touted to cost $1 billion to clean up. As a result of a cooperative State plan, in conjunction with EPA—the first unique plan of this kind, designed under a new State commission; and our new Director Whitman has signed off on it—that same area can be cleaned up and meet all of the standards for less than $300 million over a 12-year to 15-year period.

Now, $300 million versus $1 billion is a heck of a lot of money. Because of these new cooperative relationships and State plans—that past EPAs refused to negotiate and bring States into the process—but because we are now doing that, I agree with the Senator from Oklahoma, there is great opportunity for reform. You just don't throw money at these problems. You resolve them in new, creative ways, and still meet standards for clean water and clean air.

Mr. INHOFE. I appreciate the comments of the Senator from Idaho because we do have two of those devastating sites.

I yield whatever time I have to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, in addition to the arguments that the distinguished Senators from Oklahoma and Idaho made about the need to revise the Superfund law, let me simply point out that this amendment would add $100 million more to Superfund spending. You can call it coming from the Superfund trust fund, but it is still spending, and it still scores against the budget. It goes over the agreement that we had with the President.

The current bill funds Superfund activities and cleanup at $1.273 billion for fiscal year 2003. This is what the administration requested, and that is what is needed.

The Superfund cleanups are adequately funded.

Does my colleague from Oklahoma wish to add anything further?

Mr. INHOFE. Yes. We are in the process of making some major changes. You heard from the Senator from Idaho the improvements that have been made there. And this is one of the main agenda items.

So I urge the defeat of the Lautenberg amendment and yield to the Senator from Missouri.

Mr. DOMENICI. Will you give me 1 minute?

Mr. INHOFE. Sure.

Mr. DOMENICI. I want to tell the Senate, 10 years ago I made a speech downtown to 350 people. They were anxiously paying attention. I said: It is this year we are going to reform that crazy fund where we can't get anything done. The money is piling up and chemicals don't get cleaned up—the Superfund. I am looking to make sure I never go back to that group because it has been 10 years, and I don't want them to ask me what happened. Maybe it will happen next year.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I listened with interest to the comments of my colleagues.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, parliamentary inquiry: How much time does the Senator from New Jersey have remaining?

The PRESIDING OFFICER. The Senator from New Jersey has 52 seconds remaining. The Senator from Oklahoma has 2 minutes 30 seconds.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, no one would suggest that we shouldn't look for more efficient ways to do things with regard to the Superfund program. And there is always redress, unfortunately, to the court if one wants it. But the Superfund Program has been working: 87 sites a year, on average, were being cleaned up, up until the year 2000; over 800 sites in all. That is pretty darn good. We learned how to do it. The program is working. To deprive it now is really not what ought to be happening. I am sure citizens across this country would agree with us: More money, more cleanups. That is what we want out of the Superfund Program.

I yield back whatever time remains.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have to argue with my good friend from New Jersey. If he wants to use the Superfund Program as an example of a program that has been working, then we don't have any problems around here because it hasn't been working. We have been working on making major changes. We are going to make major changes.

I yield back the time and move to table the Lautenberg amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—53

Alexander	Bennett	Brownback
Allard	Bond	Bunning
Allen	Breaux	Burns
Campbell	Graham (SC)	Nickles
Chafee	Grassley	Roberts
Chambliss	Gregg	Santorum
Cochran	Hagel	Sessions
Coleman	Hatch	Shelby
Cornyn	Hutchison	Smith
Craig	Inhofe	Snowe
Crapo	Kyl	Specter
DeWine	Lott	Stevens
Dole	Lugar	Sununu
Domenici	McCain	Talent
Ensign	McConnell	Thomas
Enzi	Miller	Voinovich
Fitzgerald	Murkowski	Warner
Frist	Nelson (NE)	

NAYS—45

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lieberman
Biden	Edwards	Lincoln
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Murray
Byrd	Graham (FL)	Nelson (FL)
Cantwell	Hollings	Pryor
Carper	Jeffords	Reed
Clinton	Johnson	Reid
Collins	Kennedy	Rockefeller
Conrad	Kerry	Sarbanes
Corzine	Kohl	Schumer
Daschle	Landrieu	Stabenow
Dayton	Lautenberg	Wyden

NOT VOTING—2

Harkin	Inouye

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 10, 28, 47, 65, AS MODIFIED; 88, 110, 139, AS MODIFIED; 155, 201, 218, 151, 50, 34, 126, 158, EN BLOC

Mr. STEVENS. Mr. President, if I may have the attention of the Senate, I have two more amendments that have been cleared. I will make a request after I recite the amendments.

Amendment No. 10, Senator NELSON of Florida; amendment No. 28, Senator KENNEDY; amendment No. 47, Senator FEINSTEIN; amendment No. 65, as modified, Senator KYL; amendment No. 88, Senator WARNER; amendment No. 110, Senators BOXER and FEINSTEIN; amendment No. 139, as modified, Senators GRAHAM, NELSON, and VOINOVICH; amendment No. 155, Senator DOMENICI; amendment No. 201, Senator FEINGOLD; amendment No. 218, Senator HATCH; amendment No. 151, Senator MURKOWSKI and myself; amendment No. 50, Senator SARBANES; amendment No. 34, Senator CRAIG; amendment No. 126, Senators BINGAMAN and DOMENICI; and amendment No. 158, Senators BINGAMAN and DOMENICI.

Mr. President, I ask unanimous consent that these amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Is that agreeable?

The PRESIDING OFFICER. Without objection, the amendments are considered en bloc.

Mr. STEVENS. I urge they be adopted en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 10

(Purpose: To transfer the building at 5401 NW Broken Sound Boulevard, Boca Raton, Florida and all improvements thereon to the Administrator of the General Services Administration)

At the appropriate place, insert the following:

(a) The Administrator of General Services shall accept all right, title and interest in the property described in subsection (b), if written offer therefore (accompanied by such proof of title, property descriptions and other information as the Administration may require) is received by the Administrator from the owner of such property within 12 months after the date of the enactment of this Act.

(b) The property described in this subsection is the property located at 5401 NW Broken Sound Boulevard, Boca Raton, Florida and all improvements thereon.

(c) The United States shall pay an amount that does not exceed $1 in consideration of any right, title, or interest received by the United States under this section.

AMENDMENT NO. 28

(Purpose: To permit the National Park Service to rehabilitate historic buildings in the New Bedford Whaling National Historical Park that were severely damaged by fire)

At the appropriate place, insert the following:

Section XXX. Section 511(g)(2)(A) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 410ddd(g)(2)(A)) is amended by striking ''$2,000,000'' and inserting ''$5,000,000''.

AMENDMENT NO. 47

(Purpose: To extend the expiration of the Herger-Feinstein Quincy Library Group Act of 1998)

On page 486, line 9, insert the following:

SEC. . Congress reaffirms its original intent that the Herger-Feinstein Quincy Library Group Forest Recovery Act of 1998 be implemented, and hereby extends the expiration of the Quincy Library Group Act by five years.

AMENDMENT NO. 65, AS MODIFIED

(Purpose: Fund rehabilitation on the Apache-Sitgreaves National Forest)

On page 488, line 10, strike ''1,349,291,000'' and insert ''$1,351,791,000.''

On page 489, line 9, strike ''$3,624,000'' and insert ''$6,124,000.''

On page 489, line 10, following ''restoration,'' insert ''of which $2,500,000 may be for rehabilitation and restoration on the Apache-Sitgreaves National Forest.''

On page 493, line 17, strike ''$148,263,000'', and insert ''$145,763,000.''

AMENDMENT NO. 88

(Purpose: To clarify the boundaries of the Plum Island Unit of the Coastal Barrier Resources System)

On page 486, between lines 8 and 9, insert the following:

SEC. ___. REPLACEMENT OF COASTAL BARRIER RESOURCES SYSTEM MAP.

(a) IN GENERAL.—The map described in subsection (b) is replaced, in the maps depicting the Coastal Barrier Resources System that are referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), by the map entitled ''Plum Tree Island Unit VA–59P, Long Creek Unit VA–60/VA–60P'' and dated May 1, 2002.

(b) DESCRIPTION OF REPLACED MAP.—The map referred to in subsection (a) is the map that—

(1) relates to Plum Island Unit VA–59P and Long Creek Unit VA–60/VA–60P located in Poquoson and Hampton, Virginia; and

(2) is included in a set of maps entitled 'Coastal Barrier Resources System'', dated October 24, 1990, revised on October 23, 1992, and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)).

(c) AVAILABILITY.—The Secretary of the Interior shall keep the replacement map described in subsection (b) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

AMENDMENT NO. 110

(Purpose: To express the sense of the Senate regarding prohibiting the use of funds to approve any exploration, development, or production plan for, or application for a permit to drill on, land in the southern California planning area of the outer Continental Shelf that is subject to certain leases)

On page 486, between lines 8 and 9, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING SOUTHERN CALIFORNIA OFFSHORE OIL LEASES.

(a) FINDINGS.—Congress finds that—

(1) there are 36 undeveloped oil leases on land in the southern California planning area of the outer Continental Shelf that—

(A) have been under review by the Secretary of the Interior for an extended period of time, including some leases that have been under review for over 30 years; and

(B) have not been approved for development under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(2) the oil companies that hold the 36 leases—

(A) have expressed an interest in retiring the leases in exchange for equitable compensation; and

(B) are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases; and

(3) it would be a waste of the taxpayer's money to continue the process for approval or permitting of the 36 leases while the Secretary of the Interior and the lessees are negotiating to retire the leases.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that no funds made available by this Act or any other Act for any fiscal year should be used by the Secretary of the Interior to approve any exploration, development, or production plan for, or application for a permit to drill on, the 36 undeveloped leases in the southern California planning area of the outer Continental Shelf during any period in which the lessees are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases.

AMENDMENT NO. 139

(Purpose: To direct the Corps of Engineers to construct a portion of the modified water delivery project in the State of Florida)

On page 271, between lines 10 and 11, insert the following:

SEC. 1___. MODIFIED WATER DELIVERY PROJECT IN THE STATE OF FLORIDA.

The Corps of Engineers, using funds made available for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8), shall immediately carry out alternative 6D (including paying 100 percent of the cost of acquiring land or an interest in land) for the purpose of providing a flood protection system for the 8.5 square mile area described in the report entitled ''Central and South Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement'' and dated July 2000.

AMENDMENT NO. 155

(Purpose: To extend certain authority relating to the Board of Trustees of the Valles Caldera Trust)

On page 488, on line 2, strike the period after the word ''accomplishment'' and insert the following:

'': *Provided further*, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of 107(d)(2) of the Valles Caldera Preservation Act (Public Law 106–248), for fiscal year 2003, the members of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that they are engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES–1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by them in the performance of their duties, and except that Members of the Board who are officers or employees of the United States shall not receive any additional compensation by reason of service on the Board.''

AMENDMENT NO. 201

(Purpose: To require the release of a Department of the Interior strategy to address chronic wasting disease)

On page 450, line 2, strike ''restoration:'' and insert the following:

''restoration; and with the funds provided in this title, the Secretary shall release a plan for assisting states, federal agencies and tribes in managing chronic wasting disease in wild and captive cervids within 90 days of enactment of this Act:''.

AMENDMENT NO. 218

(Purpose: To extend the availability of funds for the Four Corners Interpretive Center)

At the appropriate place, insert the following:

SEC. 7(c) of PL 106–143 is amended by striking ''2001'', and inserting 2004.

AMENDMENT NO. 151

At the appropriate place in the bill insert the following new section:

''SEC. ____ Clarification of Alaska Native Settlement Trusts.

''(A) Section _____ of P.L. __ (43 U.S.C. 1629b) is amended:

''(1) at subsection (d)(1) by striking ''An'' and inserting in its place ''Except as otherwise set forth in subsection (d)(3) of this section, an'';

''(2) by creating the following new subsection:

''(d)(3) A resolution described in subsection (a)93) of this section shall be considered to be approved by the shareholders of a Native Corporation if it receives the affirmative vote of shares representing—

''(A) a majority of the shares present or represented by proxy at the meeting relating to such resolution, or ''(B) an amount of shares greater than a majority of the shares present or represented by proxy at the meeting relating to such resolution (but not greater than two-thirds of the total voting power of the corporation) if the corporation establishes such a level by an amendment to its articles of incorporation.'';

''(3) by creating the following new subsection:

''(f) Substantially all of the assets. For purposes of this section and section 1629e of this title, a Native Corporation shall be considered to be transferring all or substantially all of its assets to a settlement Trust only if such assets represent two-thirds or more of the fair market value of the Native Corporation's total assets.

''(B) Section _____ of P.L. __ (43 U.S.C. 1629e) is amended by striking subsection (B) and inserting in its place the following:

''(B) shall give rise to dissenters rights to the extend provided under the laws of the State only if:

''(i) the rights of beneficiaries in the settlement Trust receiving a conveyance are inalienable; and ''(ii) a shareholder vote on such transfer is required by (a)(4) of section 1629b of this title.''

AMENDMENT NO. 50

(Purpose: To direct the Director of the United States Fish and Wildlife Service to submit a report on avian mortality at communication towers)

On page 486, between lines 8 and 9, insert the following:

SEC. ___. REPORT ON AVIAN MORTAILITY AT COMMUNICATIONS TOWERS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the United States Fish and Wildlife Service, in cooperation with the Chairman of the Federal Communications Commission and the Administrator of the Federal Aviation Administration, shall submit to the Committee on Appropriations, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate a report on avian mortality at communications towers in the United States.

(b) CONTENTS.—The report submitted under subsection (a) shall include—

(1) an estimate of the number of birds that collide with communication towers;

(2) a description of the causes of those collisions; and

(3) recommendations on how to prevent those collisions.

AMENDMENT NO. 34

(Purpose: To modify the provision relating to the Bonneville Power Administration Fund)

On page 286, between lines 15 and 16, insert the following:

For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration and to implement the authority of the Administrator under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), an additional $700,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.), to remain outstanding at any time: *Provided*, That the Bonneville Power Administration shall not use more than $531,000,000 of its permanent borrowing authority in fiscal year 2003.

AMENDMENT NO. 126

''SEC.___. PERMANENT AUTHORITY TO OPERATE THE STRATEGIC PETROLEUM RESERVE AND OTHER ENERGY PROGRAMS.

(a) AMENDMENT TO TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) by striking section 166 (42 U.S.C. 6246) and inserting—

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 166. There are authorized to be appropriated to the secretary such sums was may be necessary to carry out this part and part D, to remain available until expended.'';

(2) by striking section 186 (42 U.S.C. 6250e); and

(3) by striking part E (42 U.S.C. 6251; relating to the expiration of title I of the Act).

(b) AMENDMENT TO TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.) is amended—

(1) by striking section 256(h) (42 U.S.C. 6276(h)) and inserting—

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part, to remain available until expended.'';

(2) by inserting before section 273 (42 U.S.C. 6283) the following:

'' PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS''

(3) by striking section 273(e) (42 U.S.C. 6283(e); relating to the expiration of summer fill and fuel budgeting programs); and

(4) by striking part D (42 U.S.C. 6285; relating to the expiration of title II of the Act).

(c) TECHNICAL AMENDMENTS.—The table of contents for the Energy Policy and Conservation Act is amended—

(1) by amending the items relating to part D of title I to read as follows:

''PART D—NORTHEAST HOME HEATING OIL RESERVE

''Sec. 181. Establishment.
''Sec. 182. Authority.
''Sec. 183. Conditions for releas; plan.
''Sec. 184. Northeast Home Heating Oil Reserve Account.
''Sec. 185. Exemptions.'';

(2) by amending the items relating to part C of title II to read as follows:

''PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS

''Sec. 273. Summer fill and fuel budgeting programs.''; and

(3) by striking the items relating to part D of title II.

(d) Section 183(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6250b(b)(1)) is amended by inserting ''(considered as a heating season average)'' after ''mid-October through March''.

(e) FULL CAPACITY.—The President shall—

(1) fill the Strategic Petroleum Reserve established pursuant to part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.) to full capacity as soon as practicable;

(2) acquire petroleum for the Strategic Petroleum Reserve by the most practicable and cost-effective means, including the acquisition of crude oil the Untied States is entitled to receive in kind as royalties from production on Federal lands; and

(3) ensure that the fill rate minimizes impact on petroleum markets.

(f) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Congress a plan to—

(1) eliminate any infrastructure impediments that may limit maximum drawdown capability; and

(2) determine whether the capacity of the Strategic Petroleum Reserve on the date of enactment of this section is adequate in light of the increasing consumption of petroleum and the reliance on imported petroleum.

AMENDMENT NO. 158

(The amendment is printed in the RECORD of Tuesday, January 21 under Text of Amendments.'')

AMENDMENT NO. 158

Mr. BINGAMAN: Mr. President, the amendment being offered jointly by the senior Senator from New Mexico and myself represents a consensus solution in New Mexico to a thorny land dispute in and around Albuquerque. The text of this amendment passed the Senate unanimously as part of a package of public land bills at the very end of the last Congress. Because of the urgency of resolving this dispute, we are offering this Senate-passed language on this bill. I thank my colleague from New Mexico and my colleagues in the Senate for their help in passing this amendment.

Mr. STEVENS. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 33, 102, AS MODIFIED; 205, 236, 243, 135, AS MODIFIED; 116, AS MODIFIED; 226, AS MODIFIED; 163, AS MODIFIED; 187, AS MODIFIED; 62, AS MODIFIED; 238, AND 129, EN BLOC

Mr. STEVENS. I have another list. I will similarly make a request that they be considered en bloc: Amendment No. 33, Senator CRAIG and Senator DURBIN; amendment No. 102, Senator LEAHY. It should be modified so that ''shall'' reads ''may.'' I ask for that modification now.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

Mr. STEVENS. Amendment No. 205, Senator MCCONNELL; amendment No. 236, Senator HARKIN; amendment No. 243, Senator EDWARDS. Further, at the desk are modifications for amendment No. 135, Senator TALENT; amendment No. 116, Senator LEAHY; amendment No. 226, Senator KOHL; amendment No. 163, Senator FITZGERALD and Senator HARKIN. I ask that those amendments be so modified according to the items at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. On amendment No. 187, there is a substitute at the desk. On behalf of Senator LEAHY, I ask that the substitute be considered as part of this package in lieu of the original version of this amendment.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

Mr. STEVENS. Amendment No. 62, as modified, Senator MCCONNELL; amendment No. 238, Senator DODD; and amendment No. 129, Senator KERRY and Senator SNOWE. Mr. President, amendment No. 62 is a modification. I did not read that. I ask that that original amendment be modified according to the papers that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that these amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask that they be adopted en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 33

(To clarify the rates applicable to marketing assistance loans and loan deficiency payments for other oilseeds, dry peas, lentils, and small chickpeas)

At the appropriate place in Division A, insert the following:

SEC. ___. MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS FOR OTHER OILSEEDS, DRY PEAS, LENTILS, AND SMALL CHICKPEAS.

(a) DEFINITION OF OTHER OILSEED.—Section 1001(9) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901(9)) is amended by inserting ''crambe, sesame seed,'' after ''mustard seed,''.

(b) LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.—Section 1202 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7932) is amended—

(1) in subsection (a), by striking paragraph (10) and inserting the following:

''(10) In the case of other oilseeds, $.0960 per pound for each of the following kinds of oilseeds:

''(A) Sunflower seed.

''(B) Rapeseed.

''(C) Canola.

''(D) Safflower.

''(E) Flaxseed.

''(F) Mustard seed.

''(G) Crambe.

''(H) Sesame seed.

''(I) Other oilseeds designated by the Secretary.'';

(2) in subsection (b), by striking paragraph (10) and inserting the following:

''(10) In the case of other oilseeds, $.0930 per pound for each of the following kinds of oilseeds:

''(A) Sunflower seed.

''(B) Rapeseed.

''(C) Canola.

''(D) Safflower.

''(E) Flaxseed.

''(F) Mustard seed.

''(G) Crambe.

''(H) Sesame seed.

''(I) Other oilseeds designated by the Secretary.'';

(3) by adding at the end the following:

''(c) SINGLE COUNTY LOAN RATE FOR OTHER OILSEEDS.—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsections (a)(10) and (b)(10).

''(d) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan rate for dry peas, lentils, and small chickpeas shall be based on—

''(1) in the case of dry peas, United States feed peas;

''(2) in the case of lentils, United States number 3 lentils; and

''(3) in the case of small chickpeas, United States number 3 small chickpeas that drop below a 20/64 screen.''.

(c) REPAYMENT OF LOANS.—Section 1204 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7934) is amended—

(1) in subsection (a), by striking ''and extra long staple cotton'' and inserting ''extra long staple cotton, and confectionery and each other kind of sunflower seed (other than oil sunflower seed)'';

(2) by redesignating subsection (f) as subsection (h); and

(3) by inserting after subsection (e) the following:

''(f) REPAYMENT RATES FOR CONFECTIONERY AND OTHER KINDS OF SUNFLOWER SEEDS.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

''(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

''(2) the repayment rate established for oil sunflower seed.

''(g) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan repayment rate for dry peas, lentils, and small chickpeas shall be based on the quality grades for the applicable commodity specified in section 1202(d).''.

(d) APPLICABILITY.—This section and the amendments made by this section apply beginning with the 2003 crop of other oilseeds (as defined in section 1001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901)), dry peas, lentils, and small chickpeas.

AMENDMENT NO. 102, AS MODIFIED

(Purpose: To provide funds for value-added projects for agricultural diversification)

On page 80, between lines 3 and 4, insert the following:

SEC. 7___. VALUE-ADDED PROJECTS FOR AGRICULTURAL DIVERSIFICATION.

Of the amount of funds that are made available to producers in the State of Vermont under section 524 of the Federal Crop Insurance Act (7 U.S.C. 1524) for fiscal year 2003, the Secretary of Agriculture shall make a grant of $200,000 to the Northeast Center for Food Entrepreneurship at the University of Vermont to support value-added projects that contribute to agricultural diversification in the State, to remain available until expended.

AMENDMENT NO. 205

(Purpose: to improve the administration of price supports)

On page 80, between lines 3 and 4, insert the following:

SEC. 7___. PRICE SUPPORT ADJUSTMENTS.

(a) CARRY FORWARD ADJUSTMENT.—Section 319(e) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(e)) is amended in the fifth sentence—

(1) by striking '': *Provided*, That'' and inserting '', except that (1)''; and

(2) by inserting before the period at the end the following: '', (2) the total quantity of all adjustments under this sentence for all farms for any crop year may not exceed 10 percent of the national basic quota for the preceding crop year, and (3) this sentence shall not apply to the establishment of a marketing quota for the 2003 marketing year''.

(b) SPECIAL REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the last day of the 2002 marketing year for the kind of tobacco involved, the Secretary of Agriculture may waive the application of section 1464.2(b)(2) of title 7, Code of Federal Regulations.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this section and the amendments made by this section.

(2) PROCEDURE.—The promulgation of the regulations and administration of this section and the amendments made by this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

AMENDMENT NO. 236

(Purpose: To express the sense of the Senate concerning use of certain funds to provide technical assistance for mandatory conservation programs under the Farm Security and Rural Investment Act of 2002)

On page 80, between lines 3 and 4, insert the following:

SEC. 7___. SENSE OF THE SENATE CONCERNING CERTAIN FUNDS FOR TECHNICAL ASSISTANCE FOR MANDATORY CONSERVATION PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) conservation technical assistance provided through the Department of Agriculture is essential to help the farmers, ranchers, and landowners of the United States to implement and maintain critical conservation practices;

(2) Congress provided a historic increase in mandatory funding for voluntary conservation efforts in the Farm Security and Rural Investment Act of 2002 (Public Law 107–171);

(3) in that Act, Congress provided mandatory funding sufficient to cover all conservation technical assistance needed to carry out conservation programs;

(4) under that Act, conservation technical assistance is provided to carry out conservation programs;

(5) the General Accounting Office has determined that, under the Farm Security and Rural Investment Act of 2002, funding for conservation technical assistance—

(A) is provided directly for conservation programs; and

(B) is not subject to the limitation specified in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(6) the General Accounting Office has determined that funds in the Conservation Operations account cannot be used to fund conservation technical assistance for conservation programs under the Farm Security and Rural Investment Act of 2002.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the President should provide full funding for conservation technical assistance in order to implement conservation programs under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.); and

(2) the President should not use funds from the Conservation Operations account to provide conservation technical assistance for carrying out conservation programs directly funded by that title.

AMENDMENT NO. 243

(Purpose: To broaden the purpose for which certain funds for rural housing may be used)

On page 80, between lines 3 and 4, insert the following:

SEC. 7___. RURAL HOUSING SERVICE.

Title III of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, is amended in the first paragraph under the heading ''RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)'' under the heading ''RURAL HOUSING SERVICE'' (114 Stat. 1549, 1549A–19) by inserting before the period at the end the following: '': *Provided further*, That after September 30, 2002, any funds remaining for the demonstration program may be used, within the State in which the demonstration program is carried out, for fiscal year 2003 and subsequent fiscal years to make grants, and to cover the costs (as defined in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a)) of

loans authorized, under section 504 of the Housing Act of 1949 (42 U.S.C. 1474)''.

AMENDMENT NO. 135, AS MODIFIED

(Purpose: To improve the administration of certain programs relating to corn)

At the appropriate place, insert the following:

SEC. ___. CORN.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture shall consider the planting, prevented planting, and production of corn used to produce popcorn as the planting, prevented planting, and production of corn for the purposes of determining base acres and payment yields for direct and counter-cyclical payments under subtitle A of title I of Public Law 107–171.

(b) EFFECTIVE DATE.—This section takes effect on October 1, 2003.

AMENDMENT NO. 116, AS MODIFIED

(Purpose: Expressing the sense of the senate that the United States should use the authorities of the Commodity Credit Corporation to provide additional international food aid)

At the appropriate place insert:

Whereas there are immediate needs for additional food aid in the Sub-Saharan Africa where more than 38 million people are at risk of starvation;

Whereas there are serious shortfalls of food aid in other parts of the world, including Afghanistan a key nation in the war on terror, that have put millions at risk of starvation;

Whereas other potential emergencies in Iraq, North Korea, and other regions could place millions more at risk of starvation;

Whereas prices have increased by 30 percent over the course of the past year for certain staple commodities;

Whereas additional food aid helps build goodwill towards the United States, is consistent with the National Security Strategy of the United States, dated September 17, 2002, and reduces the conditions that can contribute to international terrorism;

Resolved, That it is the sense of the Senate that:

(1) the Secretary of Agriculture should immediately use the funds, facilities, and authorities of the Commodity Credit Corporation to ensure that United States contributions for international humanitarian food assistance for each fiscal year 2003 through 2007 shall be no less than the previous five year average beginning on the date of enactment of this Act.

(2) The President should immediately submit an emergency supplemental request to meet any additional shortfalls in fiscal year 2003 for food and to vulnerable populations living in sub-Saharan Africa that are not met by actions undertaken in paragraph (1) or by any other provision in this Act.

AMENDMENT NO. 226, AS MODIFIED

(Purpose: To provide funding for Grants for Youth Organizations Program)

Strike the text of the amendment and insert the following:

On page 17, line 5, after ''tuition shall receive no less than $1,000,000;'' insert the following: ''for grants to youth organizations pursuant to 7 U.S.C. 7630, $3,000,000;'' On page 16, line 1, strike ''$284,218,000'' and insert ''$281,218,000''.

AMENDMENT NO. 163, AS MODIFIED

(Purpose: To provide funding for bioenergy program)

Strike the text of the amendment and insert the following:

On page 75, strike lines 17–20 and insert the following:

SEC. 741. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107–171 that exceed 77 percent of the payment that would otherwise be paid to eligible producers (7 U.S.C. 8108).

AMENDMENT NO. 187, AS MODIFIED

(Purpose: To provide funding for international family planning programs and for other purposes)

On page 347, line 4, after the colon, insert: *Provided further*, That of the funds appropriated under this heading, not less than $35,000,000 shall be made available for the United Nations Populations Fund:

On page 306, line 25, strike ''$368,500,000'' and insert in lieu thereof ''$385,000,000''

On page 365, line 4, before the period insert the following:

: *Provided further*, That of the funds appropriated under title II of this Act, not less than $435,000,000 shall be made available for family planning/reproductive health

On page 347, line 7, strike ''Secretary of State'' and insert in lieu thereof:

President

AMENDMENT NO. 62, AS MODIFIED

On page 318, line 21 after ''ethics:'' insert the following:

Provided further, That not to exceed $200,000,000 of the funds appropriated under this heading in this Act may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan: Provided further, That not to exceed $15,000,000 of the funds appropriated under this heading in Public Law 107–206, the Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States, FY 2002, may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Jordan:

AMENDMENT NO. 238

(Purpose: To clarify the effect of the appropriation relating to election reform)

Beginning on page 111, line 25, strike '': *Provided*, That'' and all that follows before the period on page 112, line 4.

AMENDMENT NO. 129

(Purpose: To authorize the use of certain funds previously appropriated to the Small Business Administration for loan guarantee subsidies under section 7(a) of the Small Business Act)

At the appropriate place, insert the following:

SEC. ___. USE OF EMERGENCY FUNDS FOR SMALL BUSINESS LOANS.

The matter under the heading ''BUSINESS LOANS PROGRAM ACCOUNT'' in chapter 2 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117) is amended by striking ''For emergency expenses'' and inserting the following: ''For loan guarantee subsidies under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or for emergency expenses''.

AMENDMENT NO. 129

Mr. KERRY. Mr. President, today I offer, on behalf of myself and Senators SNOWE, LANDRIEU, LIEBERMAN, and LEVIN, an amendment to H.J. Res. 2, the fiscal year 2003 Omnibus Appropriations resolution. The purpose of the amendment is to reverse severe budget cuts to the SBA's largest small business lending program, commonly referred to as the 7(a) loan program. As part of the administration's fiscal year 2003 budget request, the President under-funded the program by 56 percent, leaving small businesses short than $6 billion in critical loan dollars.

In order to restore over a billion dollars of that short-fall, this amendment would transfer unused funds from SBA's STAR loan program to the 7(a) loan program. As my colleagues may recall, the STAR program was a temporary loan program that I established with Senator BOND to help small businesses across the Nation hurt by terrorist attacks of September 11, 2001. Thousands of small businesses nationwide were helped by the $3.6 billion in loans already made available through the STAR program, and I thank Senators HOLLINGS and BYRD for helping me to secure the funding.

The authorization for the STAR loans has expired and rather than let the remaining money lapse, we should re-allocate it to help small businesses have access to regular 7(a) loans. Just as we took care of small businesses hurt by 9/11, it is time to turn our attention to those who need financing in this down economy when banks are restricting capital to small businesses. Not only is the 7(a) loan program SBA's largest lending program to small businesses, but it is also the single, largest source of long-term capital available to small businesses in this country. As banks have cut back on lending to small businesses, demand for SBA's loan programs have grown by more than 16 percent, and this is one of the few sources for working capital loans. As I said a few minutes ago, by reprogramming this money, we will be able to leverage over a billion dollars in loans to small businesses, thereby stimulating the economy and creating and preserving jobs. Further, transferring this money would be budget neutral and has the support of OMB.

There is much at stake for small businesses in all of our States. In my home State of Massachusetts, if we implement the President's budget as requested, small businesses stand to lose $121 million in loan dollars and almost 3,700 jobs. As a nation, we would lose $6.2 billion in loans, which translates into 189,000 jobs either lost or not created. In this economy, we can not afford to lose any more jobs or hinder job creation.

This amendment was part of a more comprehensive proposal that Senator BOND and I put forth last Congress. One part was to use more accurate data and a more predictive cost model, and the other was to transfer money from the STAR program to the 7(a) loan program. That legislation had the bipartisan support of then-Budget Committee Chairman CONRAD, then-ranking Member DOMENICI and Senators LANDRIEU, SNOWE, HARKIN, HOLLINGS and BYRD. It was approved by the Office of Management and Budget and voted out of the Senate by unanimous consent. Unfortunately, politics kept it from passing the House. This Congress, our incoming Chair, Senator SNOWE,

has quickly taken up where Senator BOND left off, re-introducing last year's bill, now S. 141, to correct the program's subsidy rate model. I thank her for her swift work and for joining me today in offering this amendment. I ask all my colleagues to vote in favor of this amendment.

In closing, I want to thank Chairwoman SNOWE, Senator BOND, Senator CONRAD, Senator DOMENICI, Congressman MANZULLO, and Congresswoman VELAZQUEZ for their previous and continued efforts in this fight for small businesses. In addition, I would like to thank the countless small business groups, from NAGGL and NADCO to the small business coalition lead by the U.S. Chamber of Commerce, which included among many others, the National Black Chamber of Commerce, National Small Business United, and the American Bankers Association, for their hard work and support with regard to this matter.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 226, AS MODIFIED

Mr. KOHL. Mr. President, the 2002 farm bill authorized the Grants for Youth Program, an initiative to develop pilot programs and expand outreach to youth in rural communities and small towns across the Nation. The Girl Scouts of the USA, Boy Scouts of America, National FFA Organization, and National 4–H Council will be key players in this initiative. The original Senate version of the fiscal year 2003 Agriculture appropriations bill included $6 million in funding for this new program. That funding was removed in the version before us.

I am offering an amendment to restore $3 million in funding for the Grants for Youth program. This program will be funded through the USDA Extension Service. In view of enhanced need for funds for education and other Federal initiatives for our children, we should also support private efforts to bring programs like Girl scouts, Boy Scouts, 4–H and Future Farmers of America to our underserved rural youth. It would be a mistake to keep these marvelous—and proven—youth programs from expanding to our rural areas.

PROVO AIRPORT CONTROL TOWER FUNDING

Mr. HATCH. Mr. President, will the distinguished chairman of the Transportation Subcommittee, my good friend, the Senator from Alabama, yield for a question?

Mr. SHELBY. I will be glad to.

Mr. HATCH. My office was recently visited by the mayor of Provo, in my home State of Utah. He reiterated to me the importance of erecting a control tower to handle an unusually large volume of air traffic coming into and out of the airport.

My colleagues may not be aware of this, but Provo's airport currently does not have a tower—even though it is the second most used airport in the state, providing a much needed training ground for new pilots and a landing area for corporate jets that keeps them out of the Salt Lake City International Airport traffic flow.

It is my understanding there are 143,000 operations at this airport per year. I share the concern of Mayor Lewis Billings and the citizens of Provo that this type of airport traffic with no control tower is very unsafe and, in the past, has led to a crash and a number of near misses.

Mr. SHELBY. I note for the Senator from Utah that the Transportation Appropriations Subcommittee has already allotted $666,000 for this project in the Fiscal Year 2003 appropriations bill.

Mr. HATCH. I am very appreciative to the Senator from Alabama and the other Appropriations Committee members for this, and I know it will be very helpful to the effort. However, I understand the House appropriation for this same project currently stands at $1 million which would really help the city of Provo get this project underway. I am also very appreciative for the Appropriations Committee's vigilance in keeping the budget to an absolute minimum and restraining superfluous spending. I only ask that the good Senator from Alabama try to work in conference to recede to the House number.

Mr. SHELBY. I thank my colleague for making me aware of his interest in this project. I know you recognize that we have a great many requests for funding, and we are working hard to provide the appropriate levels for each one within budget constraints. I will be mindful of the Senator's interest in this project during conference deliberations with the House.

SUMMER FOOD SERVICE PROGRAM

Mr. KOHL. Mr. President, I have long supported programs important to improving the lives of children and, last year, I had included in the fiscal year 2003 Agriculture appropriations bill a provision to expand an ongoing pilot related to the USDA Summer Food Services Program. This increase would have expanded to all 50 States a successful 13-State pilot program to streamline the process of setting up a summer feeding site. A report released last summer by the Food Research and Action Center found that the 13 pilot States increased their participation in the SFSP by 8.9 percent between July 2000 and July 2001. Participation in the rest of the Nation decreased by approximately 3.3 percent during the same time period.

Mr. COCHRAN. I appreciate the efforts of my friend from Wisconsin. I agree that the Summer Food Service Program is important for several reasons. Not only does it provide children with a healthy meal, but many of the approved sites that administer the SFSP also provide educational and recreational opportunities that foster learning throughout the summer months while parents are working.

Mr. KOHL. While I understand the fiscal constraints we were facing during this budget year, I believe that it is important that we continue to work to find ways to increase the number of low-income children who receive healthy meals over the summer. I believe the expansion of the SFSP is an excellent way to do that, and I look forward to working with the chairman of the Agriculture Committee to make such an expansion permanent during the reauthorization of the Child Nutrition Act.

Mr. COCHRAN. Again, I thank the senior Senator from Wisconsin, and I appreciate his commitment to this important issue. I look forward to working with him on this program during the upcoming reauthorization of the Child Nutrition Act.

SECTION 32

Mr. LEAHY. Mr. President, I have two amendments at the desk that are intended to address a critical shortage in nutrition funding for schools, food banks and soup kitchens brought about by the Bush administration's decision to pay for Federal farm disaster assistance using funds available to the Secretary of Agriculture under Section 32 of the Act of August 24, 1935.

Since 1935, the so-called Section 32 program has provided the means for the Secretary of Agriculture to assist farmers and ranchers by purchasing surplus commodities, which are then used to help poor Americans by providing emergency food assistance to those in need. It creates a ''win-win'' situation allowing us to help our farmers while feeding the hungry.

Section 32 is the primary source of federal funding for purchases of food distributed to the needy through schools, state and tribal governments, food banks, soup kitchens, and other charitable institutions. Last year, USDA surplus food donations to the needy through Section 32 totaled more than $250 million. And the President's budget for 2003 called for $215 million in Section 32 surplus food donations this fiscal year.

On October 10 of last year, Senator TOM HARKIN and I wrote to Secretary of Agriculture Ann Veneman seeking assurances that federal funding for these programs would not be diminished this fiscal year due to the Bush Administration's use of Section 32 to pay for the Livestock Compensation Program. We were concerned that this maneuver—taking some $752 million out of Section 32—would constrain the Secretary's ability to provide the needed and historic levels of funding for federal emergency food assistance programs.

The Secretary never responded to our letter, but White House and USDA officials met with hunger program advocates and assured them there would not be cuts in federal emergency food assistance. Senator HARKIN and I found this quite remarkable, because it appeared evident from the beginning that the Bush Administration had over-

committed its Section 32 funds. According to the President's own budget figures, it was clear that Section 32 funds would be depleted once the Livestock Compensation Program (LCP) was implemented and that was before a $185 million cost over-run was reported by USDA in early December, bringing the cost of the LCP program to $937 million.

According to the President's budget submissions and information provided by USDA, an estimated $5.9 billion in funding will be available for Section 32 during fiscal year 2003. This includes approximately $5.8 billion in new appropriations and approximately $92 million in carryover funds. Taking the original estimate of $752 million out of Section 32 to fund the Livestock Compensation Program leaves only $5.148 billion to meet the Department's other obligations under Section 32. That amount is not enough to fully-fund the child nutrition programs and meet the Department's other obligations under Section 32.

In fiscal year 2003, to meet requirements of the Richard B. Russell School Lunch Act $4.746 billion was scheduled to be transferred from Section 32 directly into the child nutrition programs' cash account and $400 million was budgeted to purchase commodities for the child nutrition programs. In addition, $75 million was budgeted to be transferred to the Commerce Department for fisheries activities; and $25 million is needed for Agriculture Marketing Service administrative expenses. These expenditures alone exceed the level of funding available in Section 32 after the LCP program is implemented, leaving no funding food banks, soup kitchens and the like.

I understand that the Administration has since shifted monies among various accounts, and was able to alleviate some of the pressure on Section 32 by tapping the Commodity Credit Corporation to pay for a portion of the commodity purchases for the School Lunch Program. This allowed USDA to come closer to balancing its books and freed up some money for emergency food assistance, but a gap still remains.

In a December 3 letter to the Chairman and Ranking Member of the Senate Appropriations Subcommittee on Agriculture, Nutrition, and Forestry, Secretary Veneman acknowledged that even after shifting funds among various accounts, USDA would be able to donate no more than $125 million worth of surplus commodities to food banks, soup kitchens, etc. this year.

That is half of last year's level and roughly $90 million less than budgeted for by the President.

It is a sad fact that this food is sorely needed. According to USDA, in 2002 more than 33.6 million Americans were food insecure—at risk of hunger. Nearly 25 million of them turned to charities that operate food banks or soup kitchens for food. Sixty-two percent of the people requesting emergency food assistance were members of families—children and their parents. Thirty-two percent of the adults requesting food assistance were employed. Of those people seeking emergency food relief, more than one-third (36 percent) had to choose between buying food or paying for housing. Many seniors have to choose between purchasing food or purchasing prescription drugs. For many Americans, wages and pensions have simply not risen enough in the last years to cover the increased cost of living, and food has become unaffordable.

These cuts couldn't have come at a worse time. With the weak economy and increased joblessness, demand for emergency food assistance is rising. A recent survey by U.S. Conference of Mayors found that during the past year requests for emergency food assistance in our nation's cities increased by an average of 17 percent-the sharpest increase in 10 years—with 83 percent of the cities registering an increase.

Now is not the time to reduce federal emergency food assistance funding. Now is the time to increase federal emergency food donations, not decrease them.

In his amendment, Senator COCHRAN provided an additional $250 million for surplus commodity purchases, largely addressing this year's shortfall. If these funds are fully utilized to provide emergency food assistance this fiscal year, then I would agree that at least this year's problem has been adequately addressed. However, I am concerned that the Administration might elect not to use these funds this year.

And so I ask Senator COCHRAN and Senator KOHL whether they will entertain a question regarding the intended use of these funds.

Is it the Senators' intention and understanding that the $250 million made available in the Cochran amendment for the Section 32 program be used to provide emergency food assistance to those in need this fiscal year?

Mr. COCHRAN. As the language in section 205 of my amendment that was adopted by the Senate yesterday states, these funds would only be available for surplus removals and would restore funds in the Section 32 account that were used for other purposes this fiscal year.

Mr. KOHL. That is my understanding. I share your concern that the Administration might elect not make these purchases, and it would be my hope that the House and Senate conferees agree on language ensuring that these purchases are made this fiscal year.

Mr. COCHRAN. I will be glad to work with the Senator from Wisconsin and the Senator from Vermont to address their concerns during the Conference.

Mr. LEAHY. I thank the Senators for their assurances. In light of this, I will withdraw my amendments.

● Mr. HARKIN. I would like to associate myself with the remarks of Senator LEAHY regarding the restoration of Section 32 funds that were depleted to finance the Administration's ad-hoc program to provide emergency aid to livestock producers.

On two separate occasions last year, the Senate passed provisions on strongly bipartisan votes to provide disaster assistance for our Nation's farmers and ranchers. Rather than acknowledging the need for this emergency disaster assistance legislation, the Administration devised a program of limited help to livestock producers and thereby put in jeopardy Federal assistance for the school lunch and other domestic nutrition and hunger relief programs this fiscal year and possibly next.

The Administration funded the Livestock Compensation Program through the use of Section 32 funds. Section 32 provides funds for school lunch and other domestic nutrition and hunger relief programs. Further, through Section 32 purchases of surplus commodities—such as fruits, vegetables and portk—USDA is able to support producers and provide food to child nutrition programs, soup kitchens and food banks, and Indian reservations.

When the LCP was announced, the Administration estimated the program would use $752 million from Section 32. However, due to the ''open ended'' nature of the LCP and an under-estimate of its projected cost, as of December 3 the program had drained an additional $185 million—for a total of $937 million—from Section 32. Even at the $752 million level, it was apparent that the Administration had over-committed the resources of the Section 32 account by several hundred million dollars.

Use of such a large amount of Section 32 funds diverted resources away from other agricultural producers who benefit from use of Section 32 for the traditional purpose of removing surpluses from the market. The shortfall in Section 32 funds also jeopardizes child nutrition programs that depend on bonus commodities as well as The Emergency Food Assistance Program which relies on surplus commodities to supply soup kitchens and food banks and the Food Distribution Program on Indian Reservations.

As a result of the current economic downturn, State, local and private contributions to food banks and other emergency nutrition facilities are declining while demand for emergency food assistance is on the rise. In fact, a recent U.S. Conference of Mayors report shows that the need for emergency food assistance has increased by a sharp 19 percent this year. Pulling back on the Federal commitment to domestic food assistance programs run by faith-based and other institutions at this time would be unjustified and irresponsible.

I therefore commend Senator COCHRAN for including an additional $250 million in Section 32 funds in his disaster assistance amendment. If used carefully, this amount should be sufficient, although a larger amount would have been justified. It is essential that Senate and House conferees protect the intended use of these funds. I join my

colleague, Senator LEAHY, in requesting that the Administration be directed to use these funds for surplus removals and restoration of funds in the Section 32 account that were diverted to other purposes this fiscal year.●

THE IMPORTANCE OF ASSISTING FOX ISLANDS ELECTRIC COOPERATIVE IN PROVIDING AFFORDABLE AND RELIABLE ELECTRICITY TO THE RESIDENTS OF NORTH HAVEN AND VINALHAVEN

Ms. SNOWE. Mr. President, I rise today to engage in a colloquy with the distinguished junior Senator from Maine, the distinguished junior Senator from Maine, the distinguished ranking member of the Agriculture Appropriations Subcommittee. As the chairman and ranking member are aware, the U.S. Department of Agriculture's Rural Utilities Service administers the electric programs that provide funding and support services for utilities that serve rural communities in order to assist in modernizing local infrastructure. I ask the chairman and ranking members to give consideration to the extraordinary electricity costs faced by the island communities of North Haven and Vinalhaven, and work to have the Rural Utilities Service assist Fox Islands Electric Cooperative in providing reliable and affordable electricity to these communities.

The 1,770 households in North Haven and Vinalhaven obtain electricity from four undersea electric cables that run twelve miles to the mainland. These cables, which are maintained by Fox Island Electric Cooperative and serve as the islands' only source of electricity, were originally installed back in 1978 and have now reached the end of their manufacturing life expectancy. Over the past five years the cables have been failing with ever-increasing frequency and since February, electric service has been interrupted four times.

I have been in touch with the Fox Islands Electric Cooperative and the communities of Vinalhaven and North Haven about this situation, and it has become clear that the escalating nature of this problem deserves attention. With that said, Fox Islands Electric Cooperative is confronted with the difficult decision of taking on significant debt to replace the submarine cables or continue operating the outmodeled transmission system. Unfortunately, both alternatives will continue to impose high electric costs on the townspeople. Each household on the island currently pay 15.5 cent per kilowatt hour, a rate almost triple the national average. Without assistance in replacing these cables electricity rates would rise to 23 cents per kilowatt hour.

As the chairman and ranking member are aware, the fiscal year 2003 Omnibus Appropriations bill provides $30 million for the Rural Utilities High Energy Cost Project to assist communities with extremely high energy costs. If the communities of North Haven and Vinalhaven quality for the High Energy Cost Program, this could provide much needed assistance to the citizens who pay an extraordiarily high rate for their electric utilities. Any consideration that the distinguished chairman and ranking member can provide is much appreciated.

Ms. COLLINS. I join the distinguished senior Senator from Maine in asking the distinguished chairman and distinguished ranking member to give this unique situation consideration in conference. While many Americans have experienced the inconvenience of a temporary blackout or brownout, frequent power outages and high energy prices for the citizens of North Haven and Vinalhaven have imposed significant financial burden and uncertainty on the community.

The placement of the cables on the sea floor, in combination with their old age, means that the lines are susceptible to damage from rough seas and fishing activity. Blackouts resulting from a severed or damaged cable not only incapacitate local businesses, but also disable the Water Districts, hampering their ability to maintain adequate water supplies to the towns' residents.

Due to the complex nature of working underwater, repairing the undersea cables is both expensive and time consuming. Fox Islands Electric Cooperative currently carries $2.7 million in debt owed to the Rural Utilities Service and estimates that replacement of the submarine cables will cost $7 million dollars. While the islands' electricity costs have always been above average due to its remoteness and small population, frequent disruptions and repairs have raised electric rates even further for the citizens of North Haven and Vinalhaven. As the distinguished chairmen and distinguished ranking member continue their work on the fiscal year 2003 Omnibus Appropriations bill in conference, I would greatly appreciate consideration that may be given to Fox Islands Electric Cooperative.

Mr. COCHRAN. I thank the distinguished Senators from Maine, and I will be happy to work with them in conference on this important electric project, which will provide affordable and reliable electricity to the islands.

Mr. KOHL. I look forward to the opportunity to work with the distinguished Senators from Maine on this important project to provide a reliable and affordable source of electricity to these communities, and I will work with Senator COCHRAN in conference to remedy this problem.

Mr. STEVENS. Mr. President, I ask unanimous consent that when we reach third reading, Senators KYL, MCCAIN, DAYTON, and STABENOW be recognized for 5 minutes.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there are still two amendments. On one we are waiting for the papers, and on the other we are waiting for clearance. One is amendment No. 207; the other is amendment No. 143. It is my understanding we worked out language so that these two are acceptable, but I do not have the language yet. We should have it momentarily.

Mr. STEVENS. The Senator is correct, but we do not have the modifications yet at the desk.

Mr. REID. I ask if the four Senators can speak after the vote. The reason I say that is the ranking member of the Foreign Relations Committee and the former chairman of the Intelligence Committee and present chairman of the Banking Committee are scheduled to leave on a plane immediately. They both have very important speeches to give. If they do not leave quickly, the speeches will not be given.

I am wondering if it is possible to do those speeches after third reading, but that does not work because we have amendment No. 143 and amendment No. 207 still awaiting action.

Mr. STEVENS. I inquire of the Senators mentioned if those four Senators will be willing to speak after final passage.

I ask unanimous consent that Senators KYL, MCCAIN, DAYTON, and STABENOW each have their time after final passage and that Senator COLEMAN be added for 5 minutes.

Mr. REID. Senator STABENOW has a sense-of-the-Senate amendment that has to be part of the package, so I ask that she be allowed to do hers right now.

Mr. STEVENS. Senator STABENOW may proceed now.

Mr. REID. Five minutes is what she has agreed to.

Mr. STEVENS. Mr. President, Senator STABENOW seeks 5 minutes on a matter of the sense of the Senate regarding instructions to conferees.

Mr. REID. It has been cleared on both sides.

Mr. STEVENS. I ask unanimous consent that the Senator be recognized for 5 minutes at this time and I regain control of the floor after that.

The PRESIDING OFFICER. Is there objection?

Does the Senator from Minnesota object?

Mr. DAYTON. May I inquire, I was not clear on the sequence. Will we have the opportunity to make our remarks before the vote on final passage?

Mr. STEVENS. The request is that the other Senators speak after final passage. Two Senators have a plane to catch to go on a very important mission for the Senate and they need to leave.

Mr. DAYTON. I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Michigan.

AMENDMENT NO. 248

Ms. STABENOW. Mr. President, I send an amendment to the desk, and I ask unanimous consent that it be considered in lieu of my motion to instruct the conferees that is already at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 248.

Ms. STABENOW. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 248

(Purpose: To express the sense of the Senate that the conferees on the part of the Senate for H.J. Res. 2 should insist that certain amendments to the Homeland Security Act of 2002 be included in the conference report)

SEC. . SENSE OF THE SENATE.

It is the sense of the Senate that the conferees on the part of the Senate on the disagreeing votes of the two Houses on this joint resolution should insist that the committee of conference ensure that the joint resolution as reported from the committee includes section 102 of division I, relating to Homeland Security Act of 2002 Amendments, as passed by the Senate, (relating to amendments to sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296)).

Ms. STABENOW. Mr. President, as I indicated, my amendment is a sense of the Senate that insists that the conference report for the Omnibus Appropriations Act retain the Senate provisions that repeal the special interest vaccine component provisions that were originally included in the Homeland Security Act.

The purpose of this amendment is to send a very strong message to the Senate conferees who will represent our interests in the conference, and to the House, that we stand firmly behind the repeal of the vaccine component provisions that were contained in last year's Homeland Security Act. We need a strong show of support in favor of this amendment to demonstrate our commitment to public interest over special interests. We also need to ensure that the conference report of this bill maintains a full repeal of that language. Anything less is absolutely unacceptable.

Last November, Speaker HASTERT and Representative DELAY gave only vague assurances they would strike the special interest provisions from the Homeland Security Act, and since then I have seen signs that their commitment to this process may have continued to slip, and we certainly do not wish that to happen after the hard work of putting this language into the bill.

Again, we need to send a very strong message to all the Members of the House and the Senate that we must have full repeal of this special interest provision, commonly referred to as the ''thimerosal provision.''

I thank my colleagues Senators SNOWE, COLLINS, and CHAFEE, who worked to incorporate the spirit of the bill, S. 105, that I introduced at the beginning of the year that proposed a full repeal into the final version of this Omnibus Act. I also thank the cosponsors of my bill.

Most importantly, though, I thank the families of children with autism for working so hard to repeal the special interest provisions. They are the ones who have been successful in this effort, and I congratulate them. I joined them in a capital rally a few weeks ago where we praised them for their courage, hard work, and commitment. They traveled of their own accord and paid their own costs, which is very difficult and burdensome for a family of a special needs child. They came to Washington, DC, to fight to repeal this provision.

I promised those parents I would fight to remove it and that we would fight that it be repealed in total in conference and signed by the President. So I thank my colleagues who have been involved in this issue, and I ask that they join in keeping the promise to these very special families by supporting my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, this amendment is a sense-of-the-Senate resolution concerning instruction to conferees, and I am pleased to consider the Senator's suggestion. I ask that the sense-of-the-Senate amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 248) was agreed to.

AMENDMENTS NOS. 207 AND 143, AS MODIFIED

Mr. STEVENS. Mr. President, there are two remaining amendments. No. 207 is at the desk as well as No. 143, as modified. This is the modification for No. 143. I send it to the desk.

The PRESIDING OFFICER. Is there objection to modifying the amendment? Without objection, it is so ordered. The amendment is modified.

Mr. STEVENS. I ask that the amendments be adopted en bloc.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are agreed to.

The amendments were agreed to, as follows:

AMENDMENT NO. 207

(Purpose: To expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge)

On page 547, between lines 4 and 5, insert the following:

TITLE ____—OTTAWA NATIONAL WILDLIFE REFUGE COMPLEX

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act''.

SEC. ___02. DEFINITIONS.

In this title:

(1) INTERNATIONAL REFUGE.—The term ''International Refuge'' means the Detroit River International Wildlife Refuge established by section 5(a) of the Detroit River International Wildlife Refuge Establishment Act (16 U.S.C. 668dd note; 115 Stat. 894).

(2) REFUGE COMPLEX.—The term ''Refuge Complex'' means the Ottawa National Wildlife Refuge Complex and the lands and waters in the complex, as described in the document entitled ''The Comprehensive Conservation Plan for the Ottawa National Wildlife Refuge Complex'' and dated September 22, 2000, including—

(A) the Ottawa National Wildlife Refuge, established by the Secretary in accordance with the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(B) the West Sister Island National Wildlife Refuge established by Executive Order No. 7937, dated August 2, 1937; and

(C) the Cedar Point National Wildlife Refuge established by the Secretary in accordance with the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) WESTERN BASIN.—

(A) IN GENERAL.—The term ''western basin'' means the western basin of Lake Erie, consisting of the land and water in the watersheds of Lake Erie extending from the watershed of the Lower Detroit River in the State of Michigan to and including Sandusky Bay and the watershed of Sandusky Bay in the State of Ohio.

(B) INCLUSION.—The term 'western basin' includes the Bass Island archipelago in the State of Ohio.

SEC. ___03. EXPANSION OF BOUNDARIES.

(a) REFUGE COMPLEX BOUNDARIES.—

(1) EXPANSION.—The boundaries of the Refuge Complex are expanded to include land and water in the State of Ohio from the eastern boundary of Maumee Bay State Park to the eastern boundary of the Darby Unit (including the Bass Island archipelago), as depicted on the map entitled ''Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act'' and dated September 6, 2002.

(2) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) BOUNDARY REVISIONS.—The Secretary may make such revisions of the boundaries of the Refuge Complex as the Secretary determines to be appropriate—

(1) to facilitate the acquisition of property within the Refuge Complex; or

(2) to carry out this title.

(c) ACQUISITION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange the land and water, and interests in land and water (including conservation easements), within the boundaries of the Refuge Complex.

(2) CONSENT.—No land, water, or interest in land or water described in paragraph (1) may be acquired by the Secretary without the consent of the owner of the land, water, or interest.

(d) TRANSFERS FROM OTHER AGENCIES.—Administrative jurisdiction over any Federal property that is located within the boundaries of the Refuge Complex and under the administrative jurisdiction of an agency of the United States other than the Department of the Interior may, with the concurrence of the head of the administering agency, be transferred without consideration to the Secretary for the purpose of this title.

(e) STUDY OF ASSOCIATED AREA.—

(1) IN GENERAL.—The Secretary, acting through the Director of the United States

Fish and Wildlife Service, shall conduct a study of fish and wildlife habitat and aquatic and terrestrial communities in and around the 2 dredge spoil disposal sites that are—

(A) referred to by the Toledo-Lucas County Port Authority as ''Port Authority Facility Number Three'' and ''Grassy Island'', respectively; and

(B) located within Toledo Harbor near the mouth of the Maumee River.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(A) complete the study under paragraph (1); and

(B) submit to Congress a report on the results of the study.

SEC. ___04. EXPANSION OF INTERNATIONAL REFUGE BOUNDARIES.

The southern boundary of the International Refuge is extended south to include additional land and water in the State of Michigan located east of Interstate Route 75, extending from the southern boundary of Sterling State Park to the Ohio State boundary, as depicted on the map referred to in section ___03(a)(1).

SEC. ___05. ADMINISTRATION.

(a) REFUGE COMPLEX.—

(1) IN GENERAL.—The Secretary shall administer all federally owned land, water, and interests in land and water that are located within the boundaries of the Refuge Complex in accordance with—

(A) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.); and

(B) this title.

(2) ADDITIONAL AUTHORITY.—The Secretary may use such additional statutory authority available to the Secretary for the conservation of fish and wildlife, and the provision of opportunities for fish- and wildlife-dependent recreation, as the Secretary determines to be appropriate to carry out this title.

(b) ADDITIONAL PURPOSES.—In addition to the purposes of the Refuge Complex under other laws, regulations, executive orders, and comprehensive conservation plans, the Refuge Complex shall be managed—

(1) to strengthen and complement existing resource management, conservation, and education programs and activities at the Refuge Complex in a manner consistent with the primary purposes of the Refuge Complex—

(A) to provide major resting, feeding, and wintering habitats for migratory birds and other wildlife; and

(B) to enhance national resource conservation and management in the western basin;

(2) in partnership with nongovernmental and private organizations and private individuals dedicated to habitat enhancement, to conserve, enhance, and restore the native aquatic and terrestrial community characteristics of the western basin (including associated fish, wildlife, and plant species);

(3) to facilitate partnerships among the United States Fish and Wildlife Service, Canadian national and provincial authorities, State and local governments, local communities in the United States and Canada, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the western basin; and

(4) to advance the collective goals and priorities that—

(A) were established in the report entitled ''Great Lakes Strategy 2002—A Plan for the New Millennium'', developed by the United States Policy Committee, comprised of Federal agencies (including the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the United States Geological Survey, the Forest Service, and the Great Lakes Fishery Commission) and State governments and tribal governments in the Great Lakes basin; and

(B) include the goals of cooperating to protect and restore the chemical, physical, and biological integrity of the Great Lakes basin ecosystem.

(c) PRIORITY USES.—In providing opportunities for compatible fish- and wildlife-dependent recreation, the Secretary, in accordance with paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure, to the maximum extent practicable, that hunting, trapping, fishing, wildlife observation and photography, and environmental education and interpretation are the priority public uses of the Refuge Complex.

(d) COOPERATIVE AGREEMENTS REGARDING NON-FEDERAL LAND.—To promote public awareness of the resources of the western basin and encourage public participation in the conservation of those resources, the Secretary may enter into cooperative agreements with the State of Ohio or Michigan, any political subdivision of the State, or any person for the management, in a manner consistent with this title, of land that—

(1) is owned by the State, political subdivision, or person; and

(2) is located within the boundaries of the Refuge Complex.

(e) USE OF EXISTING GREENWAY AUTHORITY.—The Secretary shall encourage the State of Ohio to use authority under the recreational trails program under section 206 of title 23, United States Code, to provide funding for acquisition and development of trails within the boundaries of the Refuge Complex.

SEC. ___06. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary—

(1) to acquire land and water within the Refuge Complex under section ___03(c);

(2) to carry out the study under section ___03(e); and

(3) to develop, operate, and maintain the Refuge Complex.

AMENDMENT NO. 143

(Purpose: To clarify the obligation of certain producers and handlers of milk to Federal order pools, to apply minimum milk price requirements to certain handlers of Class I milk products in the Arizona-Las Vegas marketing area under certain circumstances, and to exclude Nevada from Federal milk marketing orders)

On page 80, between lines 3 and 4, insert the following:

(a) STUDY ON THE SALE OF MILK INTO CALIFORNIA.—Within 90 days, the Secretary shall report to Congress on the economic impacts to California dairy farmers from handlers or processors of Class I milk products in the Las Vegas-Nevada-Arizona region selling milk or milk products into the California state order.

(b) EXEMPTION OF MILK HANDLERS FROM MINIMUM PRICE REQUIREMENTS.—Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (as amended by subsection (a)), is amended by adding at the end the following:

''(N) EXEMPTION OF MILK HANDLERS FROM MINIMUM PRICE REQUIREMENTS.—Notwithstanding any other provision of this subsection, prior to January 1, 2005 no handler with distribution of Class I milk products in the Arizona-Las Vegas marketing area (Order No. 131) or Pacific Northwest Marketing Order (Order No. 124) shall be exempt during any month from any minimum milk price requirement established by the Secretary under this subsection if the total distribution of Class I products within the Arizona-Las Vegas marketing area or the Pacific Northwest Marketing area of any handler's own farm production exceeds the lesser of—

''(i) 3 percent of the total quantity of Class I products distributed in the Arizona-Las Vegas marketing area (Order No. 131); or the Pacific Northwest Marketing area (Order No. 124); or

''(ii) 5,000,000 pounds.''.

(c) EXCLUSION OF CLARK COUNTY, NEVADA FROM FEDERAL MILK MARKETING ORDERS.—

(1) IN GENERAL.—Section 8c(11)(C) the Agricultural Adjustment Act (7 U.S.C. 608c(11)(C)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking the last sentence and inserting the following: ''In the case of milk and its products, Clark County, Nevada shall not be within a marketing area defined in any order issued under this section.''.

(2) INFORMAL RULEMAKING.—The Secretary of Agriculture may modify an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to implement the amendment made by paragraph (1) by promulgating regulations, without regard to sections 556 and 557 of title 5, United States Code.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion on to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, I would like to pose a question to my esteemed colleague from Montana. It is my understanding that the fiscal year 2003 Senate Appropriations Interior Subcommittee report contains 4 million dollars allocated for the Next Generation Lighting Initiative. Is that correct?

Mr. BURNS. You are correct Senator. Four million dollars is in the report for this purpose which originated from a request to the Interior Appropriation Subcommittee in the form of a Dear Colleague letter dated April 23, 2002, initiated by both Senator DEWINE and yourself, which contains 22 bipartisan signatures.

Mr. DEWINE. Senator BINGAMAN, as you know my state of Ohio is considered the home to the lighting industry, and from the start, I have been a strong supporter of the Next Generation Lighting Initiative. I feel it is important that for the record, there is a good understanding by the executive branch on the legislative history of the Next Generation Lighting Initiative. Would you please be so kind as to share with us its history?

Mr. BINGAMAN. I would be glad to. The Next Generation Lighting Initiative was first introduced as S. 166 in the 107th Congress. It was then included in H.R. 4, the Comprehensive Energy Bill, as amended by the Senate, which then went into conference with the House. Unfortunately, the energy bill failed in conference, but the Next Generation Lighting Initiative, and nearly the entire R&D authorization title were conferenced with the House. This agreed upon R&D authorization

title, with the Next Generation Lighting Initiative, is now found in H.R. 238, as introduced by the House Science Committee in the 108th Congress.

Mr. DEWINE. Senator BINGAMAN, did we not introduce this conference language as a bill this Congress?

Mr. BINGAMAN. Yes, it is now S. 167.

Mr. BURNS. My esteemed colleagues, Senators BINGAMAN and DEWINE, I wish to thank you both for sharing with me the legislative history of the Next Generation Lighting Initiative, and I hope this is of aid to the Department of Energy as it manages this project. It will be useful background to my subcommittee as it performs its oversight duties in the upcoming year.

CLEAN WATER PARTNERSHIP FOR THE AMERICAS

Mr. CHAFEE. Included within Senate Report 107–219, and repeated in Chairman STEVENS' Overview and Summary of his amendment to H.J. Res. 2, the Omnibus Appropriations Bill, is report language stating the Appropriations Committee's strong support for the Clean Water for the Americas Partnership. Does the Chairman of the Foreign Operations Subcommittee share my expectation that the United States Agency for International Development (USAID) will fund the Clean Water for the Americas Partnership at $10 million for fiscal year 2003?

Mr. MCCONNELL. It is my expectation that it will be funded, and I expect USAID to communicate with you and your office in a timely manner to discuss funding for this program.

Mr. LEAHY. Let me add that the subcommittee would appreciate being informed of these discussions. There are millions of impoverished people in Latin America who lack access to clean, safe water, which is a cause of chronic disease and environmental pollution. The Senator from Rhode Island's initiative, the Clean Water for the Americas Partnership, could help address these problems, and I would hope that USAID would work with him and the Subcommittee to support it.

SAWTOOTH NAT. RECREATION AREA

Mr. CRAPO. Mr. President, would the distinguished Chairman of the Subcommittee yield for a colloquy regarding Land and Water Conservation Funds for Idaho?

Mr. BURNS. I would be pleased to yield to the Senator to discuss this important issue.

Mr. CRAPO. First allow me to commend the Chairman and Ranking Member of the Subcommittee for their leadership and hard work on this bill. The Committee has had to make difficult decisions with scarce resources and have worked hard to do so in a fair manner. I appreciate Chairman BURNS and Ranking Member BYRD's effort and diligence.

Idaho is a state of spectacular natural beauty and wildlife habitat. One jewel within the Gem State is the Sawtooth National Recreation Area, SNRA. The SNRA is a national treasure enjoyed by locals and visitors to Idaho alike. The opportunity to preserve important parts of its pristine beauty is available through the purchase of scenic easements. Further, when the SNRA was established nearly thirty years ago, a commitment was made to private property owners to secure easements.

In the past, funding has been inadequate to complete the easement purchases. However, in recent years, with the support of the Chairman and Ranking Member, we have been a renewed interest in completing the purchase of relevant easements within the SNRA. Idaho is grateful for the committee's support in obtaining these easements.

It is expected that $3 million in Fiscal Year 2003 will fulfill the easement needs in the SNRA. Unfortunately, funding for easements in the SNRA was not included in the committee-passed bill. I recognize the subcommittee is operating under significant financial restraints and not all worthy projects can be funded. Yet, it is my hope the Chairman and ranking member can revisit their important project in the conference.

Again, I am grateful the committee has previously responded to the opportunities to use land and water conservation funds to acquire easements in the SNRA to protect the valuable habitats and scenic values. Support for easements in the SNRA are locally-driven, with wide-spread support and anxious willing-sellers. Completion of this project will address the concerns of private property owners and protect this wonderful resource for all Americans to enjoy.

I would ask the Chairman and ranking member if they would work with me in conference to evaluate this request, with an eye toward inclusion in the conference report.

Mr. BURNS. I appreciate Senator CRAPO's interest in the Sawtooth National Recreation Area. I understand this is an important issue to the Senator and would be happy to work with him so that the acquisition of these easements will be considered in conference.

Mr. BYRD. I too appreciate Senator CRAPO's devotion to the SNRA. I am pleased we have been able to provide funding for this worthy project in the past and are near completion.

I look forward to working with the Senator during the conference.

Mr. CRAPO. I thank the Chairman and Ranking Member.

Mr. BENNETT. The chairman may be aware that drought in the west has caused record low water levels in Lake Powell at Glen Canyon National Recreation Area. Does the chairman agree that the National Park Service should use funds available in its repair and rehabilitation account to address the recreation infrastructure needs that have arisen because of these low water levels?

Mr. BURNS. I agree with the Senator that the service should make every effort to address these recreation infrastructure needs, including boat ramp extensions and intermediate pump stations, using resources in the repair and rehabilitation account or other appropriate funding sources.

Mr. BENNETT. I thank the chairman.

ERGONOMICS REGULATION

Mr. GREGG. Mr. President, I would like to ask the chairman of the Labor, HHS, Education Subcommittee of the Appropriations Committee, Senator SPECTOR, to engage in a colloquy on certain appropriations within his subcommittee's jurisdiction.

There is a $2 million appropriation for the Department of Labor that indicates that the Secretary may use it if she decides to issue new ergonomic standards. It is my understanding that the appropriation is not a mandate or a direction to the Secretary to issue any such standard, but it is only available in case there is a decision made to issue those standards. Is that correct?

Mr. SPECTER. I would report that the language does not require the Secretary of Labor to re-issue ergonomics regulation, but simply make sure that funding is available for work within the $18 million recommended for safety and health standards activities of OSHA.

WILDLIFE MANAGEMENT

Mr. WARNER. Mr. President, I would like to engage the distinguished managers of the bill in a brief colloquy, and commend them, along with the distinguished junior Senator from Montana, for providing substantial la mounts of funding in recent years for wildlife conservation efforts at the State level. As you know, United States laws and policies place the primary responsibility for implementing wildlife management programs in the hands of the 50 States, but effective implementation depends on Congress providing consistent and adequate funding to the States. For decades, such Federal funding has focused primarily on- and been largely responsible for- enormously successful programs ensuring conservation and sustainable use of important wildlife species hunted or fished by the millions of sportsmen across America. At the same time, the population of many non-game species has fallen dramatically over the past thirty years due in great measure to the lack of focus of Federal resources on the conservation of these species prior to their decline.

The bottom line it that it is in the Federal interest to continue our partnership with the States and provide adequate funding so we can maintain the population of these non-game species of wildlife before they near endangered status, which is far more costly to correct.

Funding for the Fish and Wildlife Service State and Tribal Wildlife Grants Program for Fiscal Year 2003 has fallen to dangerously low levels in the current bill. I ask the managers of the bill to give every consideration to addressing this issue to the best of their ability when this important program is considered in conference with

the House of Representatives. I yield the floor to my distinguished colleague from Arkansas.

Mr. LINCOLN. Mr. President, I strongly support the remarks of my friend from Virginia. The State and Tribal Wildlife Grants Program provides States with the resources critically needed for foresighted and cost effective wildlife conservation and restoration efforts. These funds will enable the States to probatively plan and implement their wildlife management strategies for game and non-game species in cooperation with landowners to their mutual benefit. I, too, would ask the managers of the bill to give serious consideration to significantly increase the funding for this critical program as it is considered in conference.

Mr. BURNS. Mr. President, I thank the distinguished Senators from Virginia and Arkansas for their support of this important program to assist States in implementing effective programs to ensure conservation and sustainable use of game and non-game species. As this program is considered in conference, I will give every consideration to the request of the Senators from Virginia and Arkansas, and keep their views in mind as we negotiate a final omnibus appropriations bill.

Mr. BYRD. Mr. president, I, too, thank the Senators from Virginia and Arkansas for raising this issue and for their strong support of State wildlife conservation efforts, I will give every consideration to this request as we discuss this program during a conference with the House of Representatives.

Mr. HOLLINGS. Mr. President, I rise today to thank chairman BURNS and Ranking Member BYRD for their support of the National Park Service Rivers and Trails Conservation Assistance Program. I see the Chairman's Committee report has included language requiring the Park Service to give careful consideration to applications for assistance for the Ohio River Trail, the Fanno Creek Greenway Trail and the Tuscaloosa Nature Preserve and Hiking Trail. I would like to also bring the trail redevelopment project at Charles Towne Landing to your attention.

Charles Towne Landing in Charleston, SC, was the first successful European/African settlement in South Carolina between 1670 and 1680. It is one of four original settlement sites remaining in the United States. In 1971, the State of South Carolina designated the site as a State Park comprised of 663 acres, of which 196 acres are high ground and 467 acres are salt marsh and freshwater lagoons. Three trails make up over 6 miles of paths which edge freshwater lagoons and wetlands. When these trails were originally constructed in 1970 no consideration was given to disability access, erosion control or archaeological cultural resources. Today, the trails are in a serious state of disrepair. Would the Chairman and Ranking Member agree that the Rivers and Trails Program is ideally suited to provide technical assistance to Charles Towne Landing in their trail redevelopment efforts?

Mr. BYRD. The Senator from South Carolina is correct. The Rivers and Trails Program provides significant benefits to local governments and organizations for river restoration, the preservation of open space, and the development of trail and greenway networks. Certainly, the staff's technical expertise in ecologically sensitive trail construction would be appropriate for the Charles Towne Landing project.

Mr. BURNS. I concur. The National Park Service should give careful consideration to the Charles Towne Landing application as well as the others.

Mr. HOLLINGS. I thank the distinguished Chairman and Ranking Member of the Subcommittee for their attention to this matter and, again, appreciate their support.

BYRNE GRANTS

Mr. GRASSLEY. Senator STEVENS, I would like to speak with you for a moment about the recent vote on Senator Harkin's Byrne Grant Program amendment. While I agree with you that it is vitally important that this Omnibus Appropriations bill adheres to principles of fiscal responsibility, I must stress that the continuation of the Byrne Formula Grants is absolutely critical to local law enforcement, especially in rural States like Iowa. I voted on the procedural motion to table the Harkin amendment, because of our need for fiscal responsibility. However, I would not have done so, if you had not made a personal commitment to me that the funds for the Byrne Formula Grants would be fully restored in conference. Because the availability of these funds makes such a difference to Iowa, I want to once again get an assurance from you that when we take the final vote on this bill the full funding for the Byrne Grants will be included in the bill.

Mr. STEVENS. Senator GRASSLEY, I appreciate your concern about the Byrne Grant Program. I agree with you completely. I will commit to you that when the conference report comes back here for a final vote, we will have the Bryne Formula Grants in there at the House level of $500 million. I appreciate your understanding and help on this important matter.

HYDROGEN ECONOMY

Mr. WYDEN. Senator GORDON SMITH and I would like to discuss an important element of the Department of Energy's Hydrogen Fuel Cells and Infrastructure Program. This program is preparing the country for the next energy revolution—what many refer to as the ''hydrogen economy.'' It will establish an energy infrastructure for America based on abundant and domestically produced hydrogen, which will be used to fuel our powerplants, our homes, and our automobiles. The Senator's leadership, and that of the Congress as a whole, has strengthened the program over the past few years. However, there is one area on which the House and Senate have not yet achieved a consensus, an area that Senator SMITH and I believe is important for establishing one early element of the hydrogen economy.

I am referring to fuel cells, and specifically the Proton Exchange Membrane, or P–E–M fuel cell. Is the Senator aware that this technology is being developed by American companies for widespread applications, including homes and automobiles, but that before it may be used broadly in these applications, the fuel cell must be greatly improved and made affordable?

Mr. REID. That is my understanding. Would you please explain further?

Mr. SMITH. The Congress and the DOE have partnered with the U.S. fuel cell industry, beginning with the space program and continuing today, to develop and demonstrate fuel cells. Early commercial fuel processors that generate the hydrogen for fuel cells are being marketed tested by our industrial partners, as are P–E–M fuel cell powerplants. They need to be improved and demonstrated in niche markets. Then their costs will reduce substantially. As this scenario plays out, as it has so many times with the introduction of revolutionary new technology supported by the Federal Government, the very large residential and automotive markets will adopt fuel cells. It is then that America will achieve a significant level of independence from overseas sources.

Mr. REID. That is very helpful. Is it possible that there will be near-term niche markets such as hospitals, aircraft control centers, or other buildings that cannot tolerate power failure?

Mr. WYDEN. That is correct. However, at the current pace of development it will be at least a decade before fuel cell systems are available in any significant numbers for large markets. Meanwhile, Japan and the European countries are investing more in fuel cell development than the U.S. is investing, and we are losing our leadership in this area. Japan's investment last year alone was three times that of the DOE.

Senator SMITH and I agree that U.S. fuel cell companies are ready to demonstrate P–E–M fuel cell powerplants that will serve the niche markets, and can accelerate the introduction of fuel cells to markets in the near term and the larger markets in the mid term. Would the Senator agree that there is an exciting opportunity here?

Mr. REID. Yes, and what does the Senator recommend be done?

Mr. WYDEN. We suggest that the Congress approve $4 million for continued development and validation of advanced P–E–M fuel cells and metal membrane fuel purification technologies in the Energy & Water appropriations measure.

Mr. REID. Do other funding communities support an acceleration of these technologies?

Mr. SMITH. Yes. The Interior Appropriations Conference, directed DOE to

provide the plan and rationale for increasing the pace of fuel cell public-private partnerships in the fiscal year 2002 report.

Mr. WYDEN. Senator SMITH and I appreciate the Senator's consideration of our request. We thank him for the opportunity for this exchange, and his continued leadership for the advancement of energy technologies important to our Nation.

SOUTHEAST LOUISIANA FLOOD CONTROL PROJECT

Ms. LANDREIU. Mr. President, I rise to request a colloquy with my fellow Senator from Louisiana and the Chairman of Appropriations Committee, the distinguished Senator from Alaska, regarding Amendment No. 225 to provide additional funding for the Southeast Louisiana Flood Control Project.

Mr. BREAUX. Mr. President, the Southeast Louisiana Flood Control Project is of extreme importance to me and Louisiana, so I will gladly engage in a colloquy with the junior Senator from Louisiana.

Mr. STEVENS. Mr. President, I also agree that the Southeast Louisiana Flood Control Project is critical to protecting the citizens of southeast Louisiana and wish to engage in a colloquy with my distinguished colleagues from Louisiana.

Ms. LANDRIEU. Mr. President, on July 24, 2003, the Senate Appropriations Committee unanimously approved the fiscal year 2003 Energy and Water Appropriations bill, which included $55 million for the Southeast Louisiana Flood Control Project. However, the current omnibus bill that we are debating regarding fiscal year 2003 appropriations only provides $40 million for this worthy project. Accordingly, Senator BREAUX and I have offered an amendment which will restore funding to $55 million for this critical flood control project in the New Orleans metropolitan area.

Although Senator BREAUX and I have decided to withdraw our amendment from consideration by the full Senate at this time, we wish to inform the Senate of this project and emphasize its importance.

The Southeast Louisiana Flood Control Project is commonly referred to as SELA. Its purpose is to provide flood protection to handle a 10-year rainfall event and reduce damages arising from larger rainfall events in the New Orleans metropolitan area. In 1996, Congress authorized construction of this project.

The SELA project is currently under construction and essentially involves adding pumps and increasing the number and size of drainage channels in the New Orleans metropolitan area. The total cost of this project is $647 million with a non-federal cost share of approximately 25 percent or $166 million. To date, $308 million in Federal funds have already been expended on SELA.

Mr. BREAUX. Louisiana annually experiences an enormous amount of rainfall. One example of this occurred in May 1995 when the New Orleans metropolitan area received more than 24 inches of rainfall in less than 24 hours. This area is particularly vulnerable to large rainfalls because the rainwater is trapped within the developed areas by the levees at the edges of the Mississippi River which were built to prevent river flooding.

When complete, SELA will protect approximately 30 percent of Louisiana's population and 40 percent of Louisiana's economy. Furthermore, when complete, its average annual flood control benefits are estimated at $53.4 million.

Ms. LANDRIEU. Mr. President, the SELA flood control project is a smart investment. By investing in these flood control projects, we could prevent the expenditures of hundreds of millions of dollars that will otherwise be spent in Federal flood insurance claims and other disaster assistance programs.

Mr. BREAUX. Mr. President, for all of these reasons, my distinguished colleague from Louisiana and I respectfully request that SELA funding for fiscal year 2003 be increased beyond the $40 million currently proposed in the omnibus bill and, further, that funding be restored to $55 million as was approved by the Senate Appropriations Committee in July.

Mr. STEVENS. Mr. President, I will work with my distinguished colleagues from Louisiana, my ranking member, and the entire Senate in our continued deliberation of the appropriations legislation so that the construction of the vital SELA project can continue.

PROVO AIRPORT CONTROL TOWER FUNDING

Mr. HATCH. Would the distinguished Chairman of the Transportation Subcommittee, my good friend, the Senator from Alabama, yield for a question?

Mr. SHELBY. I would be glad to.

Mr. HATCH. My office was recently visited by the mayor of Provo in my home state of Utah. He reiterated to me the importance of erecting a control tower to handle an unusually large volume of air traffic coming into and out of the airport.

My colleagues may not be aware of this, but Provo's airport currently does not have a tower—even though it is the second most used airport in the state, providing a much needed training ground for new pilots and a landing area for corporate jets that keeps them out of the Salt Lake City International Airport traffic flow.

It is my understanding that there are 143,000 operations at this airport per year. I share the concern of Mayor Lewis Billings and the citizens of Provo that this type of airport traffic with no control tower is very unsafe and, in the past, has led to a crash and a number of near misses.

Mr. SHELBY. I would just note for the Senator from Utah that the Transportation Appropriations Subcommittee has already allotted $666,000 for this project in the fiscal year 2003 appropriations bill.

Mr. HATCH. I am very appreciative to the Senator from Alabama and the other Appropriations Committee members for this and I know it will be very helpful to the effort. However, I understand the House appropriation for this same project currently stands at $1 million which would really help the City of Provo get this project underway. I am also very appreciative for the Appropriations Committee's vigilance in keeping the budget to an absolute minimum and restraining superfluous spending. I only ask that the good Senator from Alabama try to work in conference to recede to the House number.

Mr. SHELBY. I thank my colleague for making me aware of his interest in this project. I know you recognize that we have a great many requests for funding and we are working hard to provide the appropriate levels for each one within budget constraints. I will be mindful of the Senator's interest in this project during conference deliberations with the House.

BIA SCHOOL OPERATIONS FUNDING

Mr. DORGAN. Mr. President, as the Senate considers the fiscal year 2003 omnibus appropriations bill, Interior Chapter, I would like to engage the distinguished Senator from West Virginia in a colloquy regarding the School Operations Budget for the Bureau of Indian Affairs. As the Chairman knows, the current language of the Senate omnibus appropriations bill for fiscal year 2003 eliminates $11.9 million in increased funding the administration requested for these schools.

As a member of the Appropriations Committee, I understand very well the difficult task the Chairman faced in putting the Interior bill together under the difficult budget constraints we are operating under for the upcoming fiscal year. However, the 185 Bureau-funded schools rely solely on the Federal Government for funds to provide an education to about 50,000 Indian children.

I suspect that the funding level for school operations in the Senate bill reflects the Chairman's wise desire to reject the administration's ill-advised ''School Privatization Initiative.'' I commend him for rejecting the School privatization Initiative, but I hope we might find a way to still retain the programmatic increases requested by the administration for Student Transportation, Administrative Cost Grants and facility operations, as well as to restore the $2 million reduction proposed by the administration for instructional programs through the Indian School Equalization Program.

The House bill uses the funds targeted for the privatization initiative to make the increases outlined above. I respectfully request the Chairman's assurance that he will do his best to accept the House bill's level of funding for the School Operations budget of the Bureau of Indian Affairs when we go to conference, and I will be as helpful as I can as a conferee on this matter.

Mr. BYRD. I understand the concern of my colleague regarding this matter

and thank you for raising it. The Committee realizes the importance of funding for these schools that rely on the Federal Government for 100 percent of their funding. I can assure the Senator that the Committee is supportive of the Bureau of Indian Affairs school system, and I will do what I can to see that higher levels of funding for School Operations are provided during conference with the House.

TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM

Ms. STABENOW. Mr. President, I would like to take this opportunity to commend my colleagues on the Senate Interior Appropriations Subcommittee for their continued support and commitment to the Tribal School Construction Demonstration Program administered by the Bureau of Indian affairs. I also rise to engage in a colloquy with the distinguished Chairman of the Interior Appropriations Subcommittee, Mr. BURNS.

My distinguished colleagues, the chairman and ranking member of the Interior Appropriations Subcommittee, Mr. BURNS and Mr. Byrd respectively, worked to make sure that this important program received funding this year. A tribe in my home State of Michigan, the Saginaw Chippewa Tribe of Michigan, met with me and the subcommittee early in this process regarding their intention to utilize the demonstration program. Thank you for all of your cooperation and hard work on this legislation.

Over the last 25 years, the Saginaw Tribe has worked hard to create a tribal economy to provide education, health care, and other governmental services to its members. The tribe has made many constructive steps towards self-sufficiency and is dedicated to providing every educational opportunity to its tribal youth. The dilapidated condition of their current school facility has been a roadblock to further advancement. The temporary, modular housing facility where Saginaw Chippewa children attend classes is inadequate. It is a dismal learning environment, anything but conducive to the positive development and education of young minds.

Although the current language in the Interior appropriation bill only allocates $3 million to the program, a sum nearly $2 million short of what the Tribe is seeking in a Federal match, the Tribe would still like to partner with the Department this funding cycle in order to begin immediate construction of the Saginaw Chippewa Academy. The Tribe is willing to assume a cost-share greater than 50 percent to complete construction. In addition, the Tribe is also willing to forgo any future Federal dollars to fund operation and maintenance costs in order to receive the highest priority for a Federal matching grant as set forth in the authorizing language under the program. Given all of these commitments, don't you think the tribe should be given high consideration from the Department of Interior for this grant during the fiscal year 2003 year?

Mr. BURNS. Yes, I agree with the distinguished Senator from Michigan. The Senate did include funding in the amount of $3 million for the Tribal School Construction Demonstration Program. The legislation also authorizes the Department of Interior to continue administering the program from fiscal year 2003 to 2007. Future years funding will be subject to appropriations. In addition, the authorizing language provides that the Secretary of Interior shall ensure that a tribe that agrees to fund all future operations and maintenance costs receives the highest priority for a grant under the program.

The program was first authorized and funded in fiscal year 2001. The Program was reauthorized in fiscal year 2002, but the subcommittee did not provide funds to the Department of Interior because there were no eligible tribes capably of sharing the construction costs. The subcommittee was pleased to learn that the Saginaw Chippewa Tribe of Michigan is eligible, willing, and capable to take advantage of this innovative program during the fiscal year 2003 funding cycle.

The subcommittee believes that the Tribal Construction Demonstration Program will continue to prove to be one of the most beneficial and successful programs of its kind for the improvement of Native American education facilities.

Ms. STABENOW. Mr. Chairman, thank you for clarifying this issue and for your support of this critical project. The Saginaw Tribe is eager to partner with the Department of interior to ensure that the educational needs of its people are met.

ADVANCED HOUSING RESEARCH CONSORTIUM

Mr. DORGAN. Mr. President, I request the Senate's support and assistance on a funding item of importance to the University of North Dakota and other universities involved in the consortium for advanced housing research.

Several years ago, my state experienced extreme flooding in the Red River Valley. These floods destroyed thousands of homes in my state. After the flood waters receded, the University of North Dakota, UND, recognized the need for research that could increase the survivability of wood structures during natural disasters. To meet this need, the UND chemistry department began working with the Housing Research Consortium for Natural Disasters to improve the durability of wood and to increase the effectiveness of assessment and recovery technologies.

Although it has taken several years, I am pleased that this research initiative has finally been identified for funding through the U.S. Forest Service. The House fiscal year 2003 Interior Appropriations Bill contains $1.7 million for this research through the advanced housing research consortium. While the initial request was substantially higher than what was contained in the House bill, I think that this funding is a good start and I urge my colleagues who will serve with me on the Conference Committee to recede to the House position on this item.

Mr. BURNS. I understand the importance of this item to the Senator from North Dakota, and I will work with him on this item when this bill moves to conference.

Mr. BYRD. I thank the Senator from North Dakota, a Member of our Subcommittee, for bringing this item to the attention of the Senate.

Mr. DORGAN. I thank the distinguished managers of this chapter of this bill.

NEXT GENERATION LIGHTING INITIATIVE

Mr. BINGAMAN. Mr. President, I would like to pose a question to my esteemed colleague from Montana. It is my understanding that the fiscal year 2003 Senate Appropriations Interior Subcommittee report contains $4 million allocated for the next generation lighting initiative? Is that correct?

Mr. BURNS. You are correct, Senator. Four million dollars is in the report for this purpose which originated from a request to the Interior Appropriations Subcommittee in the form of a dear colleague letter dated April 23, 2002, initiated by both Senator DEWINE and yourself, which contains 22 bipartisan signatures.

Mr. DEWINE. Senator BINGAMAN, as you know my State of Ohio is considered the home to the lighting industry, and from the start, I have been a strong supporter of the next generation lighting initiative. I feel it is important that for the record, there is a good understanding by the executive branch on the legislative history of the next generation lighting initiative. Would you please be so kind as to share with us its history?

Mr. BINGAMAN. I would be glad to. The next generation lighting initiative was first introduced as S. 1166 in the 107th Congress. It was then included in H.R. 4, the comprehensive energy bill, as amended by the Senate, which then went into conference with the House. Unfortunately, the energy bill failed in conference, but the next generation lighting initiative, and nearly the entire R&D authorization title were conferenced with the House. This agreed upon R&D authorization title, with the next generation lighting initiative, is now found in H.R. 238, as introduced by the House Science Committee in the 108th Congress.

Mr. DEWINE. Senator BINGAMAN, did we not introduce this conference language as a bill this Congress?

Mr. BINGAMAN. Yes, it is now Senate Bill 167.

Mr. BURNS. My esteemed colleagues, Senators BINGAMAN and DEWINE, I wish to thank you both for sharing with me the legislative history of the next generation lighting initiative, and I hope this is of aid to the Department of Energy as it manages this project. It will be useful background to my subcommittee as it performs its oversight duties in the upcoming year.

Mr. LEAHY. Mr. President, while I appreciate the desire of my colleagues to complete the omnibus fiscal year 2003 appropriations bill early in the session of this Congress, this rush to complete the bill, unfortunately, allows for the addition of certain riders that should have greater scrutiny prior to being added under the cover of darkness. Of particular concern to me is section 329, which would eliminate consideration of the record of decision for the 2002 Supplemental Environmental Impact Statement for the 1997 Tongass Land Management Plan, forest plan, from the Forest Service's administrative appeal process and judicial review.

The inherent values of the Tongass National Forest to the American public cannot be understated. As the Nation's largest national forest, 17 million acres, located in southeast Alaska, it contains large tracts of pristine lands that are presently unprotected from future management activities. This is the last vestige for species that once roamed the Lower 48 States uninterrupted by the designs of humans. The Tongass is home to the American eagle, grizzly bears, a variety of fish species, including the Chinook, Coho, and Sockeye salmon to name a few, that once flourished in the rivers throughout the United States and numerous plant and wildlife species both common and unique.

Section 329 is opposed by many Alaska and national environmental organizations. Over 170,000 Americans commented on the agency's 2002 Draft EIS, which recommended no new wilderness on any of the 9.7 million acres of Tongass roadless areas. Over 95 percent of those commenting urged the agency to recommend more wilderness protection for the Tongass.

While there is a time and place for the appropriate management of any national forest, making that determination of when and where needs to include the public in the decisionmaking process. Whereas, collaboration and public involvement play an integral role in the development of any forest plan, at times there is the need for an objective review to ensure that the public's concerns have been addressed. Removing these reviews, either through the agency's established appeals process or by the court, undermines the basic intent of allowing for public involvement in the management of the public's lands.

It has taken numerous years to develop the Tongass Forest Plan; this should not be viewed negatively, but as a reflection of the public's passion for this national treasure. The court told the Forest Service in a previous order to go back to the drawing board. This determination was due to the lack of additional lands into the National Wilderness Preservation System. This court decision resulted in the 2002 Supplemental EIS, which now my colleague proposes to bypass both the agency's internal review process and the judicial system. It is as though he is saying ''trust us, we will get it right this time.'' It is not a matter of right or wrong, but a matter of due process that we need to ensure has been adhered to, to ensure that the American public's concerns have been heard on the management of their national lands.

This amendment would set a dangerous precedent for the entire national forest system by essentially giving the Forest Service a free pass to write the record of decision however they like because it cannot be reviewed. I urge my colleagues to remove the language and instead let the review process work as it is intended to occur.

Mrs. CLINTON. Mr. President, I am extremely disappointed that this bill contains a 15-year reauthorization of the Price-Anderson Act, which indemnifies the commercial nuclear power industry and limits the industry's liability in the event of an accident. This act, which has provided such protections for the nuclear power industry for some 45 years, needs to be revisited and seriously reconsidered—particularly in the wake of the events of September 11, 2001. It is my hope that such consideration will still be given by the Senate Committee on Environment and Public Works, the Committee of jurisdiction of which I am proud to be a member, despite the reauthorization of the Act on page 1027 of this 1052-page bill—a reauthorization which has not been debated at all of the floor or in Committee this Congress.

In addition to increased security concerns at nuclear powerplants as a result of the terrorist attacks of September 11, 2001, there are additional issues that warrant further debate before this act is reauthorized. Recently, the General Accounting Office found that liability limits under the Price-Anderson Act are not adequate to provide for compensation of victims in all nuclear accident scenarios—not to mention the kind of event we experienced in New York on September 11, 2001. Also, questions have been raised as to whether the Price-Anderson Act includes sufficient protections to deal with the currently deregulated energy industry—whether the act would operate as intended and ensure that nuclear powerplant operators are able to provide compensation in the event of an accident up to the act's limits.

A recent study has concluded that under the act, limited liability corporations and multi-tiered holding companies that own nuclear powerplants may be able to effectively shield their intermediate and or parent corporations from financial responsibilities under the Price-Anderson Act and thereby walk away from Price-Anderson obligations without jeopardizing other assets. The use of these relatively new corporate structures for ownership of nuclear powerplants raises questions about the respective obligations of subsidiary, intermediate, and parent corporations to make the payments required under the provisions of the Price-Anderson Act—questions that should be resolved before the act is reauthorized for a 15-year period.

In addition, there is increasing cause for concern regarding the general safety and security of our Nation's nuclear powerplants. A recent report by the Nuclear Regulatory Commission's (NRC's) Inspector General found that ''NRC appears to have informally established an unreasonably high burden of requiring absolute proof of a safety problem . . . before it will act to shut down a power plant.'' In addition, the NRC recently ruled that the risk of terrorism is too speculative to be considered when making nuclear reactor licensing decisions. And a recent survey of NRC employees shows that a third of employees question the Commission's commitment to safety, and almost half say that they do not feel safe speaking up in the NRC. While almost 90 percent of the agency's executive-level employees answered favorably to questions regarding the Commission's commitment to safety, less than two-thirds of those in the mid-level ranks answered similarly, according to recent press reports about the employee survey.

In addition, reports have been issued that show security guards at nuclear powerplants are over-worked and under-trained, that the guards themselves do not feel that they are getting the support they need to do their jobs right. In fact, a January 2002 report commissioned by Entergy, the owner of the Indian Point nuclear power plant in New York, found that only 19 percent of security guards at Indian Point 2 stated that they could ''adequately defend the plant after the terrorist event of September 11th.''

For these and other reasons, I strongly oppose the inclusion of this 15-year reauthorization of the Price-Anderson Act in this legislation. I remain committed to a thoughtful reconsideration and debate of this act as it pertains to the commercial nuclear power industry, and look forward to addressing this and other issues related to nuclear powerplants, including the important issue of nuclear powerplant security, in the Senate Environment and Public Works Committee this Congress.

Mr. DURBIN. Mr. President, I intended to offer an amendment to address fundamental concerns that a provision in this bill discriminates against children in need of special education services because they happen to live in the District of Columbia. That provision imposes a limitation of $3,000 on how much the District of Columbia may pay per case in attorney's fees to plaintiffs who prevail in litigation brought against the District of Columbia public schools under the Individuals with Disabilities Education Act, IDEA, in order to enroll their children in special education services.

I would prefer that we eliminate section 135 from the bill entirely. Congress should not impose restrictions on the District of Columbia's use of local funds. If someone is raising a child

with a serious learning disability and wants that child evaluated for enrollment in a special education program, we have provisions in the law across America governing access to services. This law provides for the awarding of reasonable attorney's fees at prevailing community rates to parties who prevail in their due process proceedings. It is only in the District of Columbia that some Members of Congress want to unfairly limit the amount paid to those attorneys. These same Congressmen and Senators would never impose such limitations on their own States and districts. In last year's Senate appropriations bill for the District of Columbia, the Senate overwhelmingly supported an amendment I offered to soften the impact of a $2,500 attorney fee limitation by designating certain situations in which such a cap would not apply.

I have been engaged in extensive discussions with my colleague, Senator HUTCHISON, the chief proponent of section 135, which have led to a modification of that provision. The nature and amount of attorney fees in special education cases brought under IDEA raise serious questions about both the adequacy of in-school programs to serve special education students and some aggressive activities of certain attorneys and firms. The modification raises the limit on the amounts which may be paid to $4,000 per action. It also precludes the payment of the fees of any attorney or firm whom the chief financial officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer, or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

I note that this bill mandates that the chief financial officer of the District of Columbia require disclosure by attorneys in IDEA cases of any financial, corporate, legal, board memberships, or other relationships with special education diagnostic services, schools, or other special education service providers before paying any attorney's fees. The chief financial officer may also require attorneys in special education cases to certify that all services billed in special education were rendered. The bill also directs that the chief financial officer will prepare and submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the certifications and the amount paid by the government of the District of Columbia, including the District of Columbia public schools, to attorneys in cases brought under IDEA. The bill further allows the inspector general of the District of Columbia to conduct audits of the certification to ensure attorney compliance.

I endorse the committee report's strong recommendation that the council of the District of Columbia, in cooperation with the Mayor of the District of Columbia and the District of Columbia school board, develop legislation to address conflicts of interest in special education cases.

I hope these provisions will produce needed accountability. I hope these provisions will help prevent manipulative practices by a few which unfortunately denigrate the honest, dedicated work of the vast majority of the attorneys who devote their careers to serving vulnerable families and children through legal representation in special education placement cases.

It is my expectation that the reauthorization of the Individuals with Disabilities Education Act and reform efforts by the District of Columbia Public Schools will make the imposition of caps on how much the District of Columbia may pay in attorney's fees in IDEA cases unnecessary in subsequent appropriations bills.

Mr. MCCAIN. Mr. President, I voted in support of the Edwards amendment to delay the implementation of the EPA's final rule on New Source Review for six months for the purpose of ascertaining the impact on air quality and human health. There has been significant controversy and uncertainty about the effects of this rule. I believe in this case we need to have an independent assessment in order to assure the public that this regulatory change will not jeopardize existing air quality or human health.

Given that the rule represents a significant change in national clean air policy, we should have this essential information in hand at this final phase of the rule-making process. However, we haven't seen any thorough or independent analysis of the pertinent data or a definitive assessment of impacts.

I have stated my strong view on the issue of global climate change that we have sufficient information to move forward to define effective measures to address this most serious environmental problem. In order to move forward responsibly with this significant change of air emissions regulation, we apparently need additional scientific information.

I am struck by the extent of disagreement over the effects of this change amongst air quality experts, members of the regulated community, air quality regulators on the federal, state, and local levels, and environmental groups. I believe the federal taxpayers who pay for this regulatory program, in terms of both dollars and health impacts, would want Congress to approve the implementation of this new regulatory regime only if we are certain the costs are commensurate with the benefits.

At this point, there is significant confusion on this score. The EPA has testified that 50 percent of the facilities that are now subject to the Clean Air Act's technology requirements would fall out of those requirements under the rule changes. A number of reputable studies indicate that emissions will increase as a result. The argument has also been made by the Administration and others that air quality will improve because facilities would be encouraged to install new, more energy-efficient technology.

This amendment provides a six month period for an independent panel of scientific experts to give us the information that we need in order to assert that this policy change will benefit the public and the environment, as well as the regulated community. Once we have this information, we should move forward decisively to either put the final rule in place or reject this approach.

Mr. GRASSLEY. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
Washington, DC, January 23, 2003.

The Hon. TED STEVENS,
Chairman, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.

The Hon. DANIEL K. INOUYE,
Ranking Member, Subcommittee on Defense, Committee on Appropriations, U.S. Senate Washington, DC.

DEAR CHAIRMAN STEVENS AND RANKING MEMBER INOUYE: We very much appreciate your efforts on behalf of including in the FY03 Omnibus Appropriations bill an amendment we have worked on relating to the Department of Defense Total Information Awareness Program.

We wish to let you know that as the Senate moved toward final passage of the Omnibus Appropriations bill this afternoon, our office continued to be engaged in a discussion with other interested offices about the wording of the language in Sec. 111(c)(2)(B) of Amendment No. 59 affecting the scope of the Office of Total Information Awareness. Questions have been raised that the wording of this subsection of the amendment, as adopted, could be interpreted to inhibit lawful foreign intelligence activities. That is not the intent of the amendment, and to correct the problem we propose to strike in that subsection (B) all after the word ''activities.'' We are committed to working jointly with you to address this concern through enactment of this change in conference.

Again, we appreciate your willingness to include a provision establishing strong Congressional oversight over this program, and look forward to working with you to correct the language to reflect our intent more accurately.

Sincerely,

CHARLES E. GRASSLEY.
RON WYDEN.

Mr. MCCAIN. Mr. President, after six continuing resolutions to keep the Federal Government operating and more than 3 months into the new fiscal year, the appropriations process for fiscal year 2003 is finally coming to an end. Of the 13 appropriations bills that were required to be passed and enacted into law last year to fully fund programs for fiscal year 2003, only two were passed and enacted. The 11 remaining bills have been bundled up in this so-called ''omnibus'' appropriations legislation.

And once again, as in past years, we are faced with voting on a massive legislative package without adequate time for thorough review and debate. The 1,052-page bill before us, which appropriates approximately $400 billion,

was not made available for review at 9:00 p.m. on the night before the first full day of debate on the bill. The managers submitted for the RECORD what would have been the committee reports for the 11 bills encompassed in this omnibus, but it was not available for review until debate on this bill was well under way. Have members and their staffs even spent the time to learn what is contained in this monstrous vehicle?

When will we ever learn? I hope that the 108th Congress brings with it a renewed spirit of bipartisan cooperation. In the last Congress, such cooperation took a backseat to election year politics, partisan bickering, and ill-advised parliamentary tactics that had the effect of further polarizing this body. If we continue on this troubled path, we will be in the same situation 1 year from now. And again, this will be at the cost of the American taxpayer.

During times of threats to our national security, it has been common practice to ask Americans to sacrifice to protect our homeland. However, today some believe it appropriate to merely craft this appropriations bill with little regard for the severe security and fiscal challenges confronting our Nation. We are on the verge of a possible war, and our economy is in distress. So what are we appropriating scarce resources for? Orangutans, pig waste, and sea otter commissions.

There is approximately $11 billion in pork-barrel spending and a number of legislative riders that are riddled throughout this bill. In fact, Congressional earmarks reached their highest level during the last fiscal year, increasing 32 percent from the previous year. The multitude of unrequested funding earmarks buried in this 1,052-page bill will undoubtedly further burden American taxpayers. While the amounts associated with each individual earmark may not seem extravagant, taken together, they represent a serious diversion away from Federal programs that have undergone the appropriate merit-based selection process.

As I discussed earlier today, one of the most egregious riders we consistently see in appropriation bills are the Army Corps of Engineers's water projects. Water projects have become synonymous with pork because of the habitual authorization of these projects in appropriation bills. These water projects continue to be slipped into appropriation bills without congressional consideration as to their effects on the environment and without going through established project evaluation procedures.

Today's Washington Post reports that the Yazoo Pump project in central Mississippi—which would involve building the world's largest hydraulic pumping plant—would authorize $15 million to drain 200,000 acres of wetlands that is home to both waterfowl and rare plants. The sole purpose of this project is to drain environmentally sensitive wetlands for agricultural production. Touted as a ''flood control project,'' the Yazoo pump is not designed to save homes or land but to drain the wetlands for soybean and cotton production. More importantly, $30,000 of federal taxpayer money has already been spent to preserve these wetlands because of their unique features as a bird sanctuary. At a minimum, we should allow the EPA to complete its study of this project—environment review is still ongoing. In fact, in the draft environmental review, the EPA gave the Yazoo the lowest possible rating calling the project ''flawed and inadequate.'' If this project could not proceed forward on the merits, why should Congress give its blessing to it in a rider to an omnibus appropriation bill?

The next project, located in Devil's Lake, North Dakota not only authorizes a wasteful and highly controversial project but the rider also exempts the project from standard evaluation procedures. Today's Minneapolis Star Tribune reports that the rider provides $100 million for pipeline into the Sheyenne River, which flows into the Hudson Bay. Because of widespread water quality concerns on connecting rivers and lakes, there is strong opposition to this project from the Canadian government, the States of Missouri and Minnesota, and U.S. Fish and Wildlife Service, the EPA, national conservation organizations and environmental groups in North Dakota. Despite this opposition and the complex ecological issues raised by this project, funding has been authorized and standard language requiring the Corps to evaluate the merits of the project has been omitted. The bottom line: If this project was ever assessed on its merits, it would likely never survive.

The report language for this bill directs the Agency for International Development to provide at least $2.5 million to the Orangutan Foundation located in Indonesia. The foundation likes to call the orangutan ''the neglected ape.'' Luckily for them, they are not being neglected by the Appropriations Committee. And, the appropriators not only like orangutans, they also are fond of gorillas. The Committee gave $1.5 million to groups like the Dian Fossey Gorilla Fund. Mr. President, why stop at giving special preference to these two primates? What about the other members of the animal kingdom? Which brings us to the lowly catfish and its heretofore unknown relation to the cow. In the emergency disaster relief section of this bill, a provision was included that would qualify catfish farmers for livestock compensation payments. As my colleagues know, the livestock compensation program is a Federal farm program that compensate eligible livestock producers—such as owners of beef and dairy cattle, sheep, goats, or certain breeds of buffalo—who have suffered losses or damages as a result of a severe drought.

While I often take issue with various farm policies that disproportionately benefit large agribusiness of farms at the expense of small farmers and taxpayers, or those that compromise American agricultural trade commitments, this effort to compensate catfish farmers from a farm program that is intended for livestock stands out. I am certain that catfish proponents will offer a dozen different explanations to justify this provision. However, not even hog, poultry, or horse producers are eligible under the livestock compensation program. Why should catfish then get livestock payments? Mr. President, when did a catfish become analogous to a cow?

Catfish farmers are hardly left out in it the cold—they are eligible for other types of emergency assistance from USDA. Also, in the recent 2002 farm bill, domestic catfish proponents were successful in banning all catfish imports by requiring that foreign catfish be labeled as something other than catfish. It seems very clear to me that catfish farmers do not want to compete on a fair basis, domestically or abroad, and are willing to double-dip into disaster-relief funding intended for other farmers in need. Mr. President, let's remove this extraneous provision and let livestock be livestock, not catfish.

Other interesting earmarks include: $200,000 for the Anchorage People Mover in Alaska; $250,000 for the Mary Baldwin College in Staunton, Virginia for the Center for the Exceptionally Gifted; now they really are exceptionally gifted; $1.5 million for WestStart's Vehicular Flywheel Project in the State of Washington; an extra $1 million for the National Center for the Ecologically-based Noxious Weed Management at Montana State University; $600,000 to treat waste on small swine farms in South Carolina; $1 million for a DNA bear sampling study in Montana; $100,000 for the Alaska Sea Otter Commission; $300,000 to the Southern Regional Research Center at New Orleans, LA, for termite detection systems, evaluation of wood products for protecting building materials, and bait technology; $200,000 to study seafood waste at the University of Alaska; $300,000 for Old Stoney feasibility study in Wyoming; $650,000 for grasshopper and Mormon cricket activities in the State of Utah;

I am pleased to see that $1.5 billion was added to this legislation to supplement the $50 million that was originally appropriated to fund the recently-passed ''Help America Vote Act.'' However, I am concerned that this funding has only been added as a common pool and not designated according to the legislation that Congress passed last year. For example, the bill would not explicitly fund the program to improve accessibility for disabled voters at the poling places. I urge my colleagues to address this discrepancy in the House-Senate Conference.

I believe it is beneficial that the Senate address physician and hospital fee

schedules under Medicare. Recent Medicare physician fee reductions have forced many doctors across the Nation to reduce Medicare patients, leaving seniors without access to the care they need. Similarly, rural hospitals, particularly in my home State of Arizona, have experienced an unfair imbalance in payment schedules compared to their urban counterparts. Although our Nation's health care providers would benefit from provisions under this bill, I do not believe that appropriations bills are the venue for such legislative language. I am also concerned about giving hospitals and doctors well over $1 billion in additional funds from Medicare, without providing seniors with a much needed prescription drug benefit.

There are numerous provisions in this bill that circumvent the clear jurisdiction of the Commerce Committee. Perhaps the most egregious example is section 211 of Division B, which would grant new life to an already failed shipbuilding project that has cost the American taxpayer over $185 million, and give it to a foreign-owned corporation. I've already expressed my opposition to this special interest provision. But there are a host of other items that I wish to discuss.

Another section of the bill would allow a narrow class of airports to exclude air carriers that may want to provide scheduled air service. It is my understanding that this is so narrowly tailored that it benefits just one airport—Centennial Airport in Colorado.

Another provision would allow an airport to give Airport Improvement Program money back to the FAA enabling the agency to hire staff to speed up environmental reviews of that airport's projects. This is an area in which the Commerce Committee took action last year, and we will continue to monitor and pursue further action this year, should it be necessary. Appropriations bills are not the proper nor the traditional vehicles that should be used to address the AIP.

This bill also earmarks $1.2 billion for New Starts under the transit program. I find this set of earmarks to be particularly egregious. The earmarks do not just direct the Federal Transit Administration (FTA) to spend the appropriated funds on pet projects in certain States, they also actually change the recommendations that FTA has made regarding which projects should be funded and the level of funding each project should receive in fiscal year 2003. Mr. President, when are we going to allow the FTA to do its job? The FTA, not the appropriators, should determine which projects have merit and should be funded.

This bill also would limit funding for the number of Coast Guard flag officers to 37. While the Coast Guard is authorized under title 14 to have 48 flag officers, it currently has 37 on active duty. But as the Coast Guard grows in size to meet its new homeland security missions, its authorized flexibility to promote additional flag officers would be severely restrained under this bill. If there is a concern that the Coast Guard has too many flag officers, then that concern should be addressed through the committee of jurisdiction—the Commerce Committee.

The bill provides $48.7 million for the Corporation for Public Broadcasting for costs related to digital program developed associated with the transition of public broadcasting to digital broadcasting. This is $23.7 million more than the President's request, and it was not considered by the Commerce Committee, which is the authorizing committee. More importantly, I don't believe that Congress is exercising sound fiscal policy when we make a decision to appropriate millions of dollars to publicly funded television stations so that they may purchase the latest in digital technology. Rather the Corporation for Public Broadcasting should come before the authorizing committee to have a discussion with members on how to best achieve the goals of public broadcasters and ensure that taxpayer dollars are being spent wisely.

The bill appropriates $100 million for fisheries disaster assistance. Of this, $35 million is for direct assistance to the State of Alaska, for any person, business, or town that has experienced an economic hardship even remotely relating to fishing. This money is in addition to the $20 million for developing an Alaskan seafood marketing program.

Of the remainder, $35 million is for the shrimp industries of the Gulf of Mexico and South Atlantic, to provide far-reaching assistance to these fisheries. $20 million is provided for voluntary capacity reduction programs in the Northeast and West Coast groundfish fisheries. $5 million is for Hawaiian fishermen affected by fishing area closures. And, 5 million for the blue crab fisheries affected by low harvest.

The bill provides these handouts without requiring any accountability on how the money is actually spent. Moreover, the allocations were made without offering any form of justification. How much federal money do these regions really need, if any? If these needs are legitimate, how do they compare to the needs of other regions? We may never know, because these appropriations circumvented every stage of committee review. We have no basis for determining how necessary this is or whether or not this is sound policy.

Another provision authorized the Secretary of Commerce to award grants to encourage individuals to travel to the United States and establishes the United States Travel and Tourism Promotion Advisory Board; $50 million is appropriated to implement this section. This is yet another example of inserting authorizing language in an appropriations bill, and providing an enormous amount of money for an initiative that has not yet been fully examined and discussed by the Senate Commerce Committee.

The Congressional Budget Office recently estimated that the Federal Government had a budget deficit of about $109 billion during the first quarter of fiscal year 2003. That is significantly more than the $35 billion shortfall recorded over the same period last year. And all forecasts project growing deficits for as far as the eye can see.

Our current economic situation and our vital national security concerns illustrate that we need more than ever to prioritize our Federal spending. While I commend members of the Appropriations Committee for holding down spending to the level recommended by the President, some of these provisions, as is the case in virtually all appropriations legislation, serve no national priority. My friends on the committee are no doubt tired of hearing me say this, but I am obliged to do so; we can and we must do better.

Mr. KERRY. Mr. President, I strongly support the amendment offered yesterday by Senator BILL NELSON and several others to increase funding for emergency relief in Africa by $600 million in fiscal year 2003. I could not be present for the vote on this amendment, but I would have voted for it if I were able to. This additional funding is urgently needed to address a mounting famine that has put an estimated 38 million people at risk for starvation in Ethiopia, Eritrea, and six southern African countries.

Because the President submitted his fiscal year 2003 budget request nearly a year ago—before the famine reached its current magnitude—the omnibus appropriations bill we are now debating does not provide adequate resources both to counter this humanitarian crisis and to fund ongoing programs in Africa to assist poor and displaced persons. The United States has generally provided more than half of the food aid required to address this kind of crisis. The proposed $600 million in additional funding is needed to reach the one-half mark and forestall further destruction in southern and eastern Africa.

The ripple effects of this kind of famine go far beyond the millions of Africans who are directly affected. Because severe famine can force families to leave their homes—sometimes even their countries—in search of better conditions and to resort to other desperate measures, it can cripple economic progress and threaten political stability throughout the affected regions. Ultimately, a crisis of this magnitude can imperil even our own security. We have an obligation to the people of Africa and to our own citizens to provide the resources necessary to address this emergency.

EMERALD ASH BORER INFESTATION

Mr. LEVIN. Mr. President, we have before the Senate the Omnibus Appropriations bill. This bill funds a wide array of vital programs, but this bill does not address a relatively new problem that is affecting the ash tree population in Southeast Michigan.

I am talking about the Emerald Ash Borer, an Asian beetle that most likely

traveled to Michigan on wooden shipping pallets. An invasive species, the Ash Borer is rapidly destroying ash trees in southeastern Michigan and as it spreads will do so nationwide. In the time that it has been in Michigan, the Ash Borer has already killed 6 million trees. Ironically, this invasive pest has the potential to wipe out the very tree that was planted to replace the elm trees that succumbed to Dutch Elm Disease.

Ms. STABENOW. My good friend and fellow Senator from Michigan is correct; the Emerald Ash Borer has the ability to destroy our nation's urban forests. The threat is so great that the Departments of Agriculture for Indiana and Ohio as well as the Province of Ontario, all of which border Michigan, have published warnings about the Ash Borer even though it is not known to have spread from Michigan, yet.

Currently, an Interagency Invasive Species Task Force including the U.S. Department of Agriculture. Michigan State University, Michigan Technological University, and the Michigan Department of Agriculture is working to analyze this problem. As such the task force has placed a quarantine on 13 counties in southeastern Michigan.

Mr. KOHL. I thank my friends from Michigan for bringing this problem to the Senate's attention. I understand that the Emerald Ash Borer may pose a very real threat to the health of our Nation's urban forests.

Mr. LEVIN. It is imperative that the Animal Plant Health Inspection Service (APHIS) take a vital role addressing this problem. It is my expectation that APHIS will conducted surveillance into this problem and develop a containment strategy that will lay the groundwork for the eradication of this invasive species.

Ms. STABENOW. Having APHIS report on these efforts to Congress would greatly assist us as we seek to assist with the eradication of this pest and as we seek funds to help contain and eradicate the Emerald ash borer.

Mr. COCHRAN. I appreciate the concerns expressed by my colleagues, and I assure them that this subcommittee recognizes the horrible effects that the Emerald Ash Borer has had on Southeastern Michigan and the potential it has to devastate our nation's Ash tree population. We will work with them to address this problem.

Mr. DORGAN. Mr. President, the Committee Report to the fiscal year 2003 Interior Appropriations bill recommends a $2 million increase in technology deployment for the Clean Cities program and recognizes the work of the National Ethanol Vehicle Coalition to increase E–85 fueling capacity.

I appreciate the Subcommittee's recognition of the important environmental, energy, and economic security benefits that would result from expanding our nation's E–85 fueling capacity. I would also like to thank Senator BYRD for the Subcommittee's recognition of the work being done by the National Ethanol Vehicle Coalition to increase E–85 fueling capacity. E–85 is a form of alternative transportation fuel consisting of 85 percent ethanol and 15 percent gasoline. It will help reduce America's dependence on foreign oil.

Currently, there are over 2 million vehicles in the national vehicle fleet that are capable of using E–85 fuel. The use of E–85 in these vehicles has the potential to reduce foreign oil imports by 34 million barrels a year, while adding $3 billion to total farm income and reducing greenhouse gas emissions.

On March 18, 2002, 10 colleagues and I sent a letter to the chairman and ranking member requesting that $2 million be designated to install additional E–85 fueling capacity across the country and to begin an E–85 educational awareness effort in cooperation with the Nation's automakers.

It is my hope that, as this bill goes to conference with the House, the Subcommittee would work to provide funding to expand the deployment of E–85 fueling capacity, which is important for my State and the Nation.

Mr. KENNEDY. Mr. President, on Christmas Eve, the Department of Labor quietly announced that it would discontinue the Mass Layoff Statistics program, which collects data and reports on large layoffs involving 50 or more employees. It's obvious from the timing of the announcement that the administration hoped few would notice this embarrassing attempt to conceal bad news about the economy.

Since President Bush took office two years ago, the economic well-being of America's families has dramatically deteriorated. Yet the administration continues to support economic policies that neglect the basic needs of working men and women, and lavish excessive tax breaks on the wealthiest taxpayers.

The unemployment rate has risen, while wages have stagnated. Income inequality has increased, while stock portfolios and 401(k)s have declined.

The poverty rate has increased to its highest level in nearly a decade, while household incomes have fallen and home foreclosures have reached their highest rate in 30 years.

Hard-working families are suffering. Nearly 8.6 million workers are now unemployed, 2.6 million more than when President Bush took office. Companies are more likely to continue to layoff workers than create new jobs. Now is not the time to conceal information about layoffs and other important economic data from the public.

The mass layoff statistics are one of the best measures we have to understand the impact on workers of changes in the economy. In the wake of the September 11 tragedies, the mass layoff statistics were used to give us a clear picture of the economic damage that resulted from terrorist attacks. Many businesses, particularly those in downtown Manhattan, were directly affected by the horrific attacks and were forced to layoff many workers.

The Bureau of Labor Statistics added non-natural disasters as a reason for mass layoffs in its report, and these layoffs became one of the few available figures on individuals hurt economically by the attacks.

Similarly, in the wake of the Enron, WorldCom and other corporate scandals, the statistics revealed the tens of thousands of layoffs that followed. WorldCom had 20,000 layoffs. At Arthur Andersen, 7,000 workers were laid off. At Global Crossing, 9,000 workers were laid off, and Enron laid off 4,000 workers.

The Mass Layoff Statistics program is respected as one of the most accurate signs of the industries has been described as the best, easy-to-understand overview of which industries in the greatest distress and the workers bearing the burden.

Unfortunately, history is repeating itself. In 1992, in a time of an earlier economic downturn, the first President Bush also canceled the Mass-Layoffs Statistics program.

It was reinstated by President Clinton, and has continued to provide important information. Economic policy officials, state and local workforce investment boards, state unemployment insurance directors, job training agencies, job placement organizations, and researchers rely on this data, and they deserve to have it.

The National Association of State Workforce Agencies has sent a letter to Secretary Chao urging the Department of Labor to reinstate the program. As the letter says: ''The states have come to rely on this information as an economic indicator and a tool for operational decisions on service delivery and funding allocations for dislocated worker programs.''

The Mass Layoff Statistics program provides accurate, timely information about the industries that are involved in large layoffs. It provides clear guidance on how to allocate resources, set economic priorities, and respond to the urgent needs of the local communities affected.

I am pleased that the Senate has accepted my amendment to restore the $6.6 million in funding needed by this program. This is great news for the State and local governments that rely on this information, the economists who use this data and the American public, which has a right to know the truth about our economy.

Mr. DORGAN. Mr. President, I rise to express my disappointment that the funding level for the State Wildlife Grants Program has been decreased dramatically. This program is essential in our Nation's efforts to conserve fish and wildlife, because it focuses on preventing species from becoming threatened or endangered. Due to constraints in this bill, the Senate had funded this important program at $40 million less than the House level of $100 million. Now, in the omnibus, this program is funded at an even lower level of $45 million. This is quite disappointing. And there will be additional across-the-board cuts which will hurt programs such as this one even more.

Today, more than 1000 species are listed as federally threatened or endangered. The State Wildlife Grant Program helps provide resources to State agencies like the North Dakota Game and Fish Department to prevent further decline in fish and wildlife.

In this time of fiscal constraints it is important to recognize that this program will actually save taxpayer dollars. Efforts to bring a species back from the brink of extinction are quite difficult and expensive. The old adage ''an ounce of prevention is worth a pound of cure'' is most appropriate in this case. These funds allow States to address such conservation problems before they become even more costly. Thus, these funds simultaneously save both wildlife and taxpayer dollars.

There is growing recognition of North Dakota's national importance as a key breeding area for migratory birds, especially grassland species. Baird's sparrow and Sprague's pipit are two priority species that are found in my State in greater abundance than most other places. If we can work now to maintain healthy grasslands, we can ensure that ranchers can continue to work this land, as well as ensure the survival of these birds. This is possible when we work early to prevent problems rather than waiting for a species to become listed and endangered.

The State Wildlife Grants program has the support of our Nation's leading sportsmen and environmental organizations as evidenced by a letter delivered to each Senator earlier this year. This includes a broad range of conservation interests such as Pheasants Forever, Audubon, Defenders of Wildlife, National Wildlife Federation, and the International Association of Fish and Wildlife Agencies. Notably, all 50 state fish and wildlife agencies, including the North Dakota Game and Fish Department, support this program.

Because of this nationwide support, and our own understanding of the program's commonsense approach to conservation, 28 Senators—myself included—signed a letter requesting an increase from the fiscal year 2002 base of $85 million.

I hope we will be able to increase the funding for this important program in conference and that we will be able to work across the aisle to restore much needed funding for this program. In fact, I hope we will be able to restore this funding to the $100 million level that was previously provided by the House.

The funding provided for the State Wildlife Grants program in this bill will significantly help conserve declining wildlife, but a significantly stronger commitment from the Federal Government is essential to address mounting conservation needs and, therefore, I am extremely disappointed that this funding has been cut even below the previous Senate level. Instead, I support the House position that provides greater funding for this critical program.

SMALLPOX

Mr. KENNEDY. Mr. President, I commend the distinguished majority leader and chairman for their commitment to enhancing America's preparedness for bioterrorism. We have worked together successfully for many years to help America prepare more effectively for the threat of biological attack. The Nation is embarking on a program to vaccinate millions of health care and emergency workers against the threat of a potential biological attack using smallpox, and I look forward to working with the distinguished majority leader and chairman to ensure that this program is conducted in a way that properly protects the health and safety of those receiving the vaccine.

Mr. FRIST. I appreciate the Senator's comments. I believe that we are all in agreement on the importance of a smallpox immunization program to our national security, and I look forward to working with the Senator and with Chairman GREGG to ensure the success of a smallpox immunization program.

Mr. KENNEDY. I have offered an amendment to the current legislation that would provide funding for a program to compensate those who suffer injuries from the smallpox vaccine, and to provide States, localities and cities with funding to implement the vaccination program. I understand from my colleagues that, while they are unable to support this amendment, they are willing to work with me on legislation that would provide appropriate compensation for those who may be injured by the vaccine.

Mr. GREGG. I appreciate the Senators' interest in this area, and I believe we should work to pass legislation to provide appropriate compensation. I have scheduled a hearing in the Health, Education, Labor and Pensions Committee for next week that I hope will delve into many of the questions we must address in crafting the appropriate policy in this area. We are all in agreement that we should work to address this issue in a timely manner, and I will work with the Senator and leaders to ensure prompt consideration in the committee and on the floor of the Senate of such legislation.

Mr. KENNEDY. I am sure that my colleagues appreciate that implementing the smallpox plan will impose significant costs on many communities. We should provide additional resources to allow communities to implement the plan without having to curtail other important health priorities.

Mr. GREGG. I will do my best to see that appropriate funding is provided later in the year.

Mr. FRIST. I join my colleagues in their comments, and I am committed to bringing legislation to provide appropriate compensation to the floor promptly and to address legitimate funding needs.

Mr. KENNEDY. I thank my colleagues for their commitment to address these issues.

Ms. MIKULSKI. Mr. President, I wish to speak about an amendment that I have offered to get behind the nurses and patients in this country. My amendment would provide $20 million in this bill to fund programs created by last year's bipartisan Nurse Reinvestment Act to recruit and retain nurses. I'm pleased that my amendment has been accepted by the managers of this appropriations bill. I thank Senators STEVENS, BYRD, SPECTER, and HARKIN for working with me to include my amendment in the Senate fiscal year 2003 appropriations bill.

My amendment is a down payment. It has the support of 17 bipartisan cosponsors. The Nurse Reinvestment Act is an important bipartisan accomplishment from the last Congress. Republicans and Democrats came together to make this down payment to address the nursing shortage, a crisis that impacts patient care across the country. Now Congress must provide the funds to make these nurse recruitment and retention efforts a reality.

America is facing a nursing shortage and it will only get worse. Today, there are about 126,000 nurse vacancies in hospitals alone nationwide. This number does not even include the nurses needed in nursing homes, home health agencies, schools and other sites. In my home state of Maryland, about 15.6 percent of the nursing jobs are vacant in hospitals. More than 2,000 full-time nurses are desperately needed.

In 2000, there was a shortage of 110,000 registered nurses in this country. According to the Department of Health and Human Services, this number will: more than double by 2010 to 275,000; more than quadruple in 2015 to 507,000; and reach 808,000 in 2020.

The demand for nurses will increase as the 78 million baby boomers get older and start to need more health care. The nursing shortage comes at a time when nurses are being asked to do more: hospitals caring for more critically ill patients; nurses receiving small pox vaccinations and giving small pox vaccinations to patients; and the nurses in military reserves called into active duty.

Most importantly, this nursing shortage affects patient care. Nurses are on the front lines of health care everyday in hospitals, nursing homes, and home health agencies. A study published last year in the New England Journal of Medicine found that nursing shortages in hospitals are associated with a higher risk of complications and even death for patients.

Last year, Congress passed the bipartisan Nurse Reinvestment Act as a down payment to help recruit and retain nurses, a first step to help address the nursing shortage. This bill alone will not solve the nursing shortage. It does not address the fact that nurses are underpaid, overworked, and undervalued.

The Nurse Reinvestment Act does three things. First, it helps bring men and women into the nursing profession

by making nursing education more affordable. It provides scholarships and loan repayments in exchange for two years of service in areas that need nurses the most.

Second, the Nurse Reinvestment Act helps keep nurses in the profession by providing additional education and training opportunities and programs to empower nurses. It provides financial assistance to pursue advanced degrees and training such as fostering mentoring programs, internships and residencies, as well as specialized geriatric care training. It also supports programs to encourage collaboration with other health care professionals and promote nurse involvement in decision-making. Finally, it increases the number of faculty in nursing education programs by forgiving loans in exchange for a commitment to teach in a nursing school.

Last year, Congress put nursing recruitment and retention as a priority in our federal lawbooks. But this will be a hollow opportunity if Congress does not fund the Nurse Reinvestment Act this year. Congress must now put the Nurse Reinvestment Act as a priority in the federal checkbook. Funding the Nurse Reinvestment Act in 2003 has bipartisan support from 37 Senators. I also want to thank Senators KENNEDY, KERRY, JEFFORDS, CLINTON, MURRAY, ROCKEFELLER, CORZINE, LIEBERMAN, COLLINS, SARBANES, LAUTENBERG, JOHNSON, BIDEN, CANTWELL, SMITH, ROBERTS, and LANDRIEU for cosponsoring my amendment.

My amendment is endorsed by the American Nurses Association, American Association of Colleges of Nursing, National League for Nursing, Emergency Nurses Association, American Association of Community Colleges, American College of Nurse Practitioners, National Association of Pediatric Nurse Practitioners, Oncology Nursing Society, and the Maryland Nurses Association. Numerous other groups support funding the Nurse Reinvestment Act in 2003 including the American Hospital Association, American Health Care Association, and the Federation of American Hospitals. But most importantly, this amendment has the support of patients who want to have nurses when they need them. Patients across the country are depending on the Congress to help them.

This is my third nursing shortage as a United States Senator. I want to help find solutions so that it is the last nursing shortage. I thank my colleagues for their support. I strongly urge the House and Senate conferees on this bill to keep this $20 million to fund the Nurse Reinvestment Act in the conference report. Patients, nurses, and health care facilities across the country are depending on your support.

Ms. CANTWELL. Mr. President, I support the amendment offered by my colleague, Senator LARRY CRAIG, which I am proud to cosponsor along with the entire Northwest delegation. This amendment would provide an additional $700 million in borrowing authority for the Bonneville Power Administration, BPA, which will allow the agency to make much-needed improvements in our region's transmission grid, modernizing lines and reducing bottlenecks. The borrowing authority will also allow BPA to fund new conservation and renewable energy initiatives and make improvements at existing hydroelectric facilities, to make them more efficient and fish friendly.

This amendment is consistent with current law, advances many of our shared, bipartisan energy policy goals, and represents a sound investment for U.S. taxpayers. I would also point out to my colleagues that this amendment is similar to legislation passed as part of the Senate energy bill last spring, which contained $1.3 billion in additional BPA borrowing authority. Further, it is consistent with the President's budget request for Fiscal Year 2003, which provided $700 million for this purpose.

The Bonneville Power Administration—created in 1937 under the Bonneville Project Act—has historically been one of the primary economic engines of the Pacific Northwest. Today, BPA owns and operates 75 percent of the high-voltage transmission system in the region, consistent with principles of non-discriminatory open access. My colleagues may be interested to learn that among BPA's various statutory responsibilities included in the Pacific Northwest Power Planning and Conservation Act of 1980 is that the agency must ''assure the Pacific Northwest of an adequate, efficient, economical and reliable power supply.''

Even more specifically, the Federal Columbia River Transmission System Act of 1974 stipulates that the BPA Administrator ''shall operate and maintain the Federal transmission system within the Pacific Northwest and shall construct improvements, betterments, and additions and replacements of such system within the Pacific Northwest as he determines are appropriate and required to: . . . maintain the electrical stability and electrical reliability of the Federal system . . .''

The additional borrowing authority provided in this amendment will enable Bonneville to uphold these crucial responsibilities. It is also important to note that this infrastructure investment is one for which U.S. taxpayers would be repayed, with interest. As my colleagues may know, BPA makes payment to the U.S. Treasury on an annual basis—from revenues it collects from northwest ratepayers. BPA expenditures thus do not place any long-term burden on appropriated or trust fund activities. Indeed, the principal on all BPA capital-borrowing costs is fully repaid, with legally-required, market-determined interest.

Like most of the country, transmission investment in the northwest has lagged behind demand. No major new transmission lines have been constructed in our region since 1987. In the meantime, Northwest loads have been growing steadily at a rate of 1.8 percent per year. This load growth, combined with deregulation of wholesale power markets, has given rise to a 2 percent per year rise in traffic on the transmission system.

In addition, the Northwest Power Pool has estimated that winter peak load will have grown from 59,972 megawatts in 1998 to 66,952 megawatts by 2008 or, by 12 percent. But at the present rate of transmission investment—without the improvements this amendment will allow—the system will have grown from only 61,415 circuit miles in 1998 to 62,325 circuit miles in 2008—or, by 2 percent. In short, regional transmission is not keeping up with load growth.

To remedy this situation—and in keeping with its statutory obligations—BPA has identified 26 groups of needed transmission projects, for construction and energization over the next 5 to 6 years. The first nine, some of which are already underway, would address the most critically constrained pathways in our area.

The construction of additional transmission will reduce existing bottlenecks, reinforce the system to assure minimal conformance with reliability standards for major load centers such as Seattle, Portland and Spokane, and ultimately allow the integration of more than 5,000 megawatts of new generation. I would also like to point out that this amendment will aid in the acquisition of new conservation and renewable energy sources, as well as make capital improvements on the 31-project federal hydroelectric system—all of which are extremely important components of BPA's multi-faceted public purposes.

This amendment will enhance the reliability of the northwest electricity grid—and, by extension, the western transmission system as a whole. It is consistent with the missions this body set out for the Bonneville Power Administration, dating back to 1937 and in the legislative history spanning the 66 intervening years. And it represents good energy policy today, which is why FERC Chairman Pat Wood—in hearings before the Senate Energy Committee last year—voiced his strong support for an increase in BPA borrowing authority.

I thank Senator CRAIG for bringing this amendment to the floor today, as well as all of my Northwest colleagues. I believe it has been a tremendous team effort that has spanned both a couple of years and the jurisdictions of the Senate Energy, Budget and of course Appropriations Committees. I would also like to thank the Chairmen and Ranking Members of those Committees for their support today.

Again, I urge my colleagues to support this amendment.

Mr. DORGAN. Mr. President, I discussed an item in the Energy Conservation account with the distinguished

managers of the Interior Appropriations chapter of this bill. I believe that the reliable, efficient, and clean generation of electricity is vital to the American economy. The Congress has made important investments in fossil energy research to improve the efficiency and reduce emissions of large, central power generation technologies. In recent years the Appropriations Committee has recommended increases in what, I believe, are complementary and equally important technologies that generate power on a smaller, distributed generation scale.

These smaller technologies, including microtubines, fuel cells, reciprocating engines and industrial turbines, range in size from only a few hundreds of kilowatts up to 30 megawatts and offer many benefits. For example, fuel cells and microturbines can be deployed in urban areas to provide power where the construction of additional transmission and distribution lines is not practical because of the crowded conditions. Ironically, these same systems are well suited for use in rural areas, as well, where the cost of constructing electric lines to serve only a few customers may be prohibitive.

These onsite power generation systems are highly reliable. They are not vulnerable to power line failures caused by weather or manmade circumstances. Moreover, their smaller scale often allows distributed energy technologies to be located in areas where exhaust heat from the generators can be utilized rather than released into the atmosphere. When used in a combined heating and or cooling mode, distributed energy devices can attain efficiencies in excess of 80 percent.

The wise research investments recommended by the Committee will help conserve our important domestic energy resources, reduce environmental emissions, and help American companies and their employees maintain U.S. leadership in global markets for these technologies. I compliment the Senators from Montana and West Virginia for their leadership in this allocation of scarce resources available to the Committee.

Through the National Accounts Energy Alliance, the natural gas industry has worked closely with leading commercial and industrial companies who are logical candidates to use these distributed energy technologies as they become ready for testing in the market place. This is a partnership between government and the private sector. It marries the technology developers with the technology users such as major grocery stores, restaurant chains, and building developers. Most important, the Alliance serves to ensure that market requirements are fully understood by those who develop the technologies and that field testing in specific applications, which is essential to market acceptance and technology improvement, is an integral part of the development process.

Mr. President, I understand that the House-passed version of the Fiscal Year 2003 Department of the Interior and Related Agencies Appropriations bill included $3 million for this ''applications integration.'' The Senate Committee report passed last summer is not specific about how the Department should allocate funds to the National Accounts Energy Alliance. I would hope that in conference we could accept the specific funding level provided in the House report for applications integration including the National Accounts Energy Alliance.

Mr. BURNS. Mr. President, I thank the Senator from North Dakota for his kind words as a member of the Interior subcommittee.

The Senator is correct. The House has recommended $3 million for ''applications integration.'' I say to the Senator that he is always a strong and compelling advocate and that I will endeavor to give his request every favorable consideration within the limitations that will confront the conferees on this bill.

Mr. BYRD. Mr. President, I appreciate the Senator from North Dakota for bringing this matter to our attention. I, too, will work with him during the conference in support of his request.

Mr. DORGAN. Mr. President, I thank the Senators.

Mrs. BOXER. Mr. President, I had planned to offer an amendment to eliminate a dangerous anti-environmental rider that was slipped into this bill. I am not going to offer that amendment today because I believe the best strategy is to strip it in conference.

However, I want to take just a couple of minutes to let my colleagues know about this rider and to explain the bad precedent we would be setting.

In the National Forest Management Act, Congress requires a review of roadless areas for possible designation as wilderness areas. Under the National Environmental Protection Act we also require that this process involve the public and the right to appeal those decisions.

In 1997 a management plan for the Tongass National Forest was proposed that did not adequately address the question of wilderness designations. In response, a federal district court in Alaska ordered the Forest Service to complete a supplemental evaluation of possible wilderness areas. The Draft was released in May of 2002, with 8 alternatives. The administration's preferred alternative was no additional wilderness areas. A final recommendation is due to be released in February. At that point, the public has the opportunity to appeal the agency's decisions through the administrative process, and if necessary to make use of the courts.

Section 329 of the Interior Appropriations section of this bill would eliminate judicial and public oversight of U.S. Forest Service wilderness recommendations in the Tongass National Forest. In doing so, it waives two key environmental laws—laws that protect the right of the public to be involved in decision-making—the National Environmental Protection Act and the National Forest Management Act. This language will prevent the public, the states and the localities of their right to participate in the decision-making process.

Even more egregious, section 329 prohibits any judicial review or appeal of a decision on the Tongass Land Management Plan—a decision that has not even been made. So, before we know what the decision is, this section says there can be no more public input and no judicial review. This is a very bad precedent.

Judicial and public oversight are an intrinsic part of the process of environmental decision-making. In fact, the laws that govern management of our public lands are built on these principles of judicial and public oversight. These are our public lands, and we all have a right to take part in deciding how they are managed, how they are protected, and how they are exploited. Stripping away the ability of the American people to take part in the process is contrary to the spirit of our laws.

One hundred years ago, Republican President Teddy Roosevelt established the Tongass National Forest in Alaska with the support of the Alaskan people. For the last hundred years we have managed the Tongass in concert with the wishes of the public because we have had public participation.

This rider ignores history, it ignores our environmental laws and it creates dangerous precedent.

It is dangerous because it is a back door attempt to silence the public. It is dangerous because it is a back door attempt to override our laws, laws passed by this Congress after extensive debate. It is dangerous because it is a backdoor attempt to eliminate the normal checks and balances that are inherent in our system. And it is a dangerous thing for those of us who have pristine lands in our states.

Mr. GREGG. Mr. President, I rise to express opposition to a provision in the bill that syphons off critically needed enforcement funds in order to create an unnecessary bureaucracy.

The bill instructs the Secretary of Labor to create an Office of Pension Participant Advocacy. Committee language indicates that this office is to serve as a career ombudsman in the Department to advise Congress and the administration on necessary changes in policies to address problems affecting pension participants. It would also be charged with coordinating public and private efforts to assist participants and provide meaningful information.

At this time of heightened concern for pension plan stability, it makes no sense to curtail the enforcement budget of the Pension & Welfare Benefits Administration (PWBA). President

Bush had requested an additional $3 million for enforcement and compliance activities. This bill takes that $3 million and puts it instead in the separate Management account to create a new, unnecessary office.

With every new corporate scandal, pension plan stability is put in doubt, and the PWBA is called into action. There is every reason to believe that Fiscal Year 2003 will be one of the agency's busiest every. Yet the money needed for enforcement has been diverted to create a new bureaucracy that duplicates current functions.

Since the collapse of Enron, more Americans than ever have learned of the important and effective work of the PWBA. We all hailed the agency's action in ousting the Enron pension plan board of trustees, and putting outside experts in their place. The PWBA's profile has never been higher, and its needs have never been greater. Now is the time to fund pension plan enforcement.

If this provision in the appropriations bill is allowed to become law, pension plan participants will be the losers. Enforcement efforts by the Department of Labor in their behalf will be curtailed. The money for enforcing their claims will have been diverted to decorate new offices for bureaucrats.

As the chairman of the authorizing Committee for the Department of Labor, I am strongly opposed to efforts to restructure an important function of the Department. Likewise, I object to efforts to divert resources away from needed investigations, compliance efforts, and participant education. I oppose the creation of an Office of Pension Participant Advocacy at this time and in this manner.

It must be recognized that the creation of such an Office is already within the management prerogative of the Secretary of Labor. She could create a separate office under current authority and resources. The proposal in the committee report language in essence micro-manages the Department.

The proposed functions of the Office of Pension Participant Advocacy are duplicative of the ongoing functions of Pension and Welfare Benefits Administration (PWBA) of the Department of Labor.

Today there are more than 100 highly trained and dedicated Benefits Advisors working out of PWBA's national office and 15 field offices located throughout the country. In 1996, PWBA had only 12 Benefits Advisors all located in the national office.

The creation of this team of Benefits Advisors represents a serious commitment on the part of the Department to protecting the rights of and helping workers obtain the benefits to which they are entitled.

The Benefits Advisors handled 170,000 inquiries in 2001 and recovered over $64 million in benefits for participants and beneficiaries through informed individual dispute resolution. Over $250 million have been obtained through this informal process over the last five years. These dollars are separate from any amounts recovered through the formal investigative process.

Complaint referrals from PWBA's benefits advisors have become the best source of investigative case leads. If a complaint from an individual appears to indicate a fiduciary violation by the plan or a matter that impacts several participants and not just one individual, then that inquiry is referred to an investigator.

According to statistics from the PWBA, last year 1,263 investigations were opened as a result of referrals from the Benefits Advisors; 1,238 investigations were closed with over $111 million in monetary results.

The proposed research functions of the Office of Pension Participant Advocate also duplicate important research of the General Accounting Office and investigations of the Department's Inspector General.

It is premature to establish an Office of Pension Participant Advocacy since it is the subject of ongoing legislative debate. Last year, the Health, Education, Labor and Pensions Committee narrowly reported out a pension reform bill that included a section creating an office of Pension Participant Advocacy with wider scope than is included in this appropriations bill. This year, the Democrat pension bill, S. 9, fails to include this controversial and unnecessary bureaucracy.

The ERISA Industry Committee makes the point quite succinctly in a letter to every Senator: ''the creation of a new office in the federal government should be subject of full debate in the light of day. New government bureaucracy should not be established by adding provisions to appropriations bills, the language of which is unavailable to the public until after Committee consideration.'' I share their concerns.

Therefore, it is inappropriate through this bill to divert and restructure the important work of the Department of Labor in protecting workers' pensions. I regret the manner in which this provision was added to this legislation and I will work to oppose it at every turn.

Mr. BINGAMAN. Mr. President, I submitted an amendment to extend the authority for the Strategic Petroleum Reserve. The Strategic Petroleum Reserve, SPR, is the major tool the United States has to deal with the impact of a significant disruption in oil supplies. Current authorizations to the President to release or drawdown oil from the SPR will expire on September 30, 2003.

Release of oil from the SPR, in coordination with stock drawdowns with other consumer nations is done pursuant to the International Energy Agency's International Energy Program, IEP, Agreement. Actions taken under this agreement seek to add more supply to a tight market, reducing the possibility of price spikes and economic havoc that oil markets experienced during such incidents as the Arab oil embargo. Decisions to withdraw crude oil from the SPR during an energy emergency are made by the President under the authorities of the Energy Policy and Conservation Act.

It is important to extend the SPR authority on this legislation. While it may be possible to move legislation through the Energy Committee, there is no guarantee that a separate bill would be completed and on the President's desk before September 30. Therefore, the prudent thing for the Senate to do is to add this language to the Omnibus Appropriation bill. Such precautionary action has already been taken with regard to Price Anderson authority which does not expire until the end in 2004.

My amendment incorporates the exact language that was agreed to last fall by the House and Senate conferees on H.R. 4, the comprehensive energy bill.

The amendment:

Permanently authorizes the Strategic Petroleum Reserve and our participation in the International Energy program.

Codifies current Administration policy that the reserve be filled to 700 million barrels which is its current capacity. This does not affect the Administration's discretion to adjust the timing and extent of fill in light of market conditions.

Permanently authorizes the Northeast Heating Oil Reserve program.

Current market disruptions such as political unrest in Venezuela and the potential threat of a war with Iraq have already led to unusually high oil prices and talk of potentially tapping the SPR. In the current market context, operation of the SPR should be a top concern to all Senators.

For the benefit of my colleagues, I thought I would talk a little about the current situation regarding oil production in two important oil producing states—Venezuela & Iraq. The current uncertainty over production in Venezuela and the possibility of war with Iraq has contributed to the high oil prices we see today.

On December 2, oil workers opposed to Venezuelan President Chavez, initiated a general strike, now in its 53rd day. The strike has nearly shut down the government-owned oil company PdVSA. Production has dropped from 2.7 million barrels per day to less than half a million. At the same time, world oil prices, currently at a 2 year high, have risen more than $8 per barrel, or 30 percent since the strike began. Oil market experts attribute half of the price increase to the political unrest and production uncertainty in Venezuela.

The U.S. imports a significant amount of Venezuelan crude. Roughly 16 percent of U.S. imports come from Venezuela, or what on average amounts to more than a million barrels per day, according to the EIA. In the

absence of Venezuelan imports, U.S. refiners have had to dip into their own inventory stocks and resort to using other crudes. Absent Venezuelan imports, the U.S. has increased its import of Iraqi crude in the last month.

Even though OPEC overproduction helped cushion the strike's impact at the outset, U.S. refiners had to turn to their own inventories and to Iraqi crude to make up for lost imports. Those inventories are already below normal operational inventory level. Even if the strike were to end today, experts are unsure how long it will take to bring Venezuelan crude production back to its pre-strike level of three million barrels per day. It is unclear how carefully the oil wells in PdVSA's fields were shut down improperly, it may take more than six months to bring them back online.

Although some strikers have returned to work and the government succeeded in pumping up light crude production, Venezuela has not been able to restart production of its trademark heavy crude. To add to the uncertainty, Venezuela's Central Bank closed the country's foreign exchange market on Wednesday frustrating oil operators' ability to convert currency. The reliability of Iraqi crude supplies going forward is also uncertain.

The threat of war with Iraq has contributed to unusually high oil prices and talk of potentially tapping into the SPR. This region's importance to the stability of not only U.S. but also world markets cannot be understated.

Iraq represents 6 percent of U.S. petroleum imports and the Persian Gulf region represents 25 percent. If military conflict disrupts oil imports from Iraq or other gulf states, the larger shortfall may exceed OPEC's leftover capacity. Even under a benign war scenario, panicked buying and a rise in crude prices would still occur at the outset of the conflict. Price estimates from oil analysts at the Center for Strategic and International Studies range up to $80 barrel oil for the worst case scenario.

In addition to the impact of a war on oil from Iraq, we cannot be certain about Iraqi production after a conflict is concluded. If Iraqi oil fields are damaged during the war, Iraqi production could be reduced for a longer period of time.

In this period of very tight oil markets and continuing uncertainty about both Venezuelan and Iraqi production, we may have to look very seriously at releasing oil from the Strategic Petroleum Reserve this year. We should not take the risk that our authority to use the SPR will expire in September. I urge my colleagues to vote for my amendment and re-authorize SPR authority now.

Ms. LANDRIEU. Mr. President, as Abigail Scott Duniway, a leader in the women's suffrage movement, once said, ''the young women of today, free to study, to speak, to write, to choose their occupation, should remember that every inch of this freedom was bought for them at a great price. It is for them to show their gratitude by helping onward the reforms of their own times, by spreading the light of freedom and of truth still wider. The debt that each generation owes to the past it must pay to the future.'' If I think about my own life and the many blessings and freedoms that have been bestowed on me by my foremothers, I am mindful of the awesome responsibility I bear to ''onward the reform of my times.'' It occurs to me that when Ms. Duniway made this statement she did not mean to infer that this responsibility went only as far as the American border, but rather to the women of the world.

With this in mind, I rise in support of an amendment offered by Senator SNOWE and myself which attempts to help ensure that the women of Afghanistan go to sleep at night covered by the same security blanket of freedom and democracy that the women of America enjoy. As you well know, Mr. President, it has been a long time since the people of Afghanistan have enjoyed such freedoms. For years, they suffered under one of the most brutal regimes in modern history. Instead of listing for my colleagues the rules imposed and the rights denied to women, I would like to read two excerpts from an article by Jan Goodwin published in 1998, entitled, ''Buried Alive: Afghan Women Under the Taliban.''

> Thirty thousand men and boys poured into the dilapidated Olympic sports stadium in Kabul. Street hawkers peddled nuts, biscuits and tea to the waiting crowd. The scheduled entertainment? They were waiting to see a young woman, Sohaila, receive 100 lashes for walking with a man who was not a relative . . . Since she was single it was punishable by flogging; had she been married, she would have been stoned to death.
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> Not so long ago, a young mother, Torpeka, was shot repeatedly by the Taliban while rushing her seriously ill toddler to the doctor. Veiled as the law requires, she was spotted by a teenage Taliban guard, authorized to use weapons against women if they decide they are breaking the law, tried to stop her because women are not supposed to leave their homes. Afraid her child would die if she were delayed, she continued. The guard aimed his machine gun and fired several rounds.

Now, one may think that was yesterday and this is today. Yet, I am here to tell you that while the Taliban may no longer be in power, their legacy remains. For instance, a September 26, 2002 Washington Post article detailed what it is like for a woman to give birth to a baby in a ''Taliban-free'' Afghanistan. Even now, women continue to be banned by their husbands and fathers from giving birth in hospitals or receiving medical care during labor. Even if they are able to access care, there is often no care to be had. As a result, women are forced to have babies on a dirt floor with no help from anyone but their untrained female relatives.

Young girls traveling to schools on country roads are systematically beaten and raped by roadside bandits. Only 11 percent of girls can read and write and only 16 percent of women over 16 years old are literate and yet young girls are prevented by violence from getting the education they need. This cannot continue. If we hope to see the roots of democracy take hold and flourish in Afghanistan, then we must be willing to make a long term commitment to restoring justice and equality for all.

I am sad to report that a lot has been said about our level of commitment to the Afghan people, but so far, there has been more talk than action. On October 4, 2001, President Bush pledged that ''America will stand strong and oppose the sponsors of terror. And America will stand strong and help those who are hurt by those regimes.'' Three months later, he confirmed this commitment in saying, ''Thanks to our military and our allies and the brave fighters of Afghanistan, the Taliban regime has come to an end. Yet our responsibilities to the people of Afghanistan have not ended.'' Two months later, he sent a budget to Congress that did not have one red penny for aid to Afghanistan.

I am glad that my colleagues in the Senate, on both sides of the aisle, understand that actions speak louder than words. In July, the Senate Appropriations Committee passed a bill that included $150 million in military and humanitarian aid to Afghanistan. The bill before us now goes even farther, including a total of $220 million in aid. I would like to thank the Chair and ranking member of the subcommittee, Senators MCCONNELL and LEAHY for their leadership in this regard. In offering this amendment, Senator SNOWE and I propose that we go even one step further. What it does is proposes that while the amount of money appropriated is, of course, important to the overall success of our efforts in Afghanistan, so is the way in which it is spent.

Its purpose is twofold. First, it reserves $8 million, approximately 10 percent of the total funds appropriated for humanitarian aid, for programs to support women's development in Afghanistan, including girls' and women's education, health, legal and social rights, economic opportunities, and political participation. These programs should be long term in nature and invest in infrastructure development in Afghanistan. What I mean by this is, there are two ways to address the lack of women's health in this country, you can set up temporary immunization and nutrition centers or you can help build a women's health center and train physicians to work there. I am certain that USAID is doing the former, but I would like to suggest that we need to do more of the latter. This amendment is designed to move us in that direction.

Secondly, this amendment is structured in such a way to ensure that these funds are channeled through

women-focused, women-run governmental and nongovernmental organizations. As you can imagine, the women of Afghanistan are more likely to access the services and support necessary to ensure their long-term economic independence and health if they trust that the person providing the service is not the enemy. Even during the Taliban regime, it was women's organizations, run by extremely brave Afghani women, who were fighting to protect women from violence and death. It will take time before the women there are able to trust in their government to protect and provide for their needs.

I am proud of this amendment. It is the first step in a road with many steps. I thank the Chair and the ranking member for their leadership and foresight in agreeing to accept it. I look forward to working with committee and with USAID to ensure that we use this money to ''onward the reform of our times.''

Mr. KERRY. Mr. President, I oppose the passage of H.J. Res. 2, the Omnibus Appropriations Resolution, because it does not provide appropriate levels of funding for the important priorities facing our Nation. First, the Republican majority and the Bush administration have set an arbitrary cap on spending that is inadequate to meet the needs of our Nation with respect to homeland security, education, veteran's health care, housing, highway funding, Amtrak, and other important domestic priorities. Second, the Republican majority forced a $9.8 billion reduction in domestic spending made available in the Senate Appropriations Committee-passed bills last year. Finally, this legislation includes a provision which would impose a 1.6 percent across-the-board reduction on all domestic spending and Senator GREGG's amendment increased that across-the-board cut to 2.9 percent. Together, these actions will dramatically reduce domestic spending and will force punitive cuts in many programs crucial to the future of our low- and moderate-income families, our children, and our economy. It is obvious that the Republican majority has been forced to impose these dramatic spending cuts in order to hide the huge costs of the tax legislation enacted in the 107th Congress—the benefits of which will accrue primarily to the wealthiest in our society.

I strongly believe that the level of funding included in the omnibus appropriations resolution to improve our homeland security is not sufficient and that additional funding is necessary for several critical initiatives aimed at strengthening our efforts to protect America and its interests. It is unbelievable to me that the President can propose an additional $674 billion tax cut, but can't make a sufficient investment in homeland security, which should be our first priority. Vulnerabilities exist in our homeland security infrastructure and we should not squander a single day addressing them. An independent task force, chaired by former Senators Gary Hart and Warren Rudman, recently advised that ''America remains dangerously unprepared to prevent and respond to a catastrophic attack on U.S. soil.'' We must act to ensure that the functions needed to better protect our borders, coasts, cities, and towns have sufficient resources to do so.

Specifically, I believe this bill should have provided more money to states and localities to implement President Bush's smallpox vaccination plan, to make the radio equipment of first responders interoperable, and provide emergency planning and training for terrorist attacks. This bill should have made critical investments in our preparedness for biological attack. It should have included more funding to fortify our borders by funding such things as additional Coast Guard patrol boats and improvements to the INS entry and exit system.

Last year I was very involved in the development of the new port security law, which included new rigorous security requirements for our ports. I also worked hard to enact the Aviation Security Act to provide increased security at our airports. Given the vulnerabilities that we know exist in our port and airport security, I am deeply disappointed that the Senate would opt to provide insufficient funding to address these problems. The need to fully fund the TSA cannot be overstated; installing baggage screening equipment in the top 40 U.S. airports alone is expected to cost billions, and to date only one major airport has installed the necessary equipment mandated by the Aviation Security Act. We cannot hope to maintain the confidence of the American people in our ability to secure the nation's transportation system if we fail to adequately fund the legislation we've passed to achieve that goal. These investments are essential if we are to be fully protected from those who threaten our freedom.

I am also concerned that the omnibus appropriations resolution eviscerates the Byrne program. The Byrne program provides a flexible source of funding to state and local law enforcement agencies to help fight crime by funding drug enforcement task forces, more cops on the street, improved technology, and other anti-crime efforts. Massachusetts received over $11.5 million in Byrne funding last year. On countless occasions I have heard from law enforcement officers from Massachusetts about the value of the Byrne program to their crime fighting efforts.

The war against terror has placed unprecedented demands on State and local law enforcement to prevent terrorist attacks and to respond to an attack should one occur. But fighting the war on terror is not the only job that we expect police officers to do. We also expect them to combat the prevalence of drugs in our cities and rural communities, we expect them to keep our homes and families safe from thieves, and we expect them to make us feel secure when we walk through our neighborhoods. We're well aware that the States are facing a severe fiscal crisis—some $75 billion collectively—what priority does it reflect to cut back on support to local law enforcement in this budget and security environment? A wrong-headed one, in my estimation.

The increased accountability and teacher quality requirements of the No Child Left Behind Act necessitate a significant investment in our schools, but the omnibus appropriations bill before the Senate falls short of the needed investment. We must do everything possible to ensure that all children can learn to high standards, which is the goal of the No Child Left Behind Act. States, districts, schools, and teachers are diligently working to meet the stringent requirements of the new law at a time when they are facing shrinking education budgets due to the state fiscal crisis. Twelve states cut K–12 education spending last year and another eleven are poised to do so this year.

The omnibus appropriations bill includes an increase of only $1 billion for the Title I program—the education program that provides resources for the most economically disadvantaged students in the country. This amount is $4.65 billion short of the level authorized by the No Child Left Behind Act. The Department of Education announced that 8,652 schools will begin the 2002–2003 school year ''in need of improvement.'' How will these schools be able to perform if they are not provided with the resources to attract and retain high-quality teachers and to implement reforms that will ensure all children can learn to high standards? As I stated many times during debates on the No Child Left Behind Act, tough accountability requirements without sufficient resources to meet the requirements is cruel to students, teachers, administrators, and parents. Ultimately it will undermine the success of this education law.

I strongly believe we must include additional funding in the omnibus appropriations resolution to increase the maximum Pell grant award from $4,100 to $4,500. Pell grants are extremely important in helping financially needy students enroll and stay in college, many of whom would not otherwise have the opportunity to attend college. According to ''Empty Promises'', a report released in June 2002 by the congressionally mandated Advisory Committee on Student Financial Assistance:

> . . . this year alone due to record-high financial barriers, nearly one-half of all college-qualified, low- and moderate-income high school graduates—over 400,000 students fully prepared to attend a four-year college—will be unable to do so, and 170,000 of these students will attend no college at all.

If we are to reduce income inequality in this country, then we must support

students who are academically prepared to attend college, but do not have the financial means to do so on their own. Unfortunately, this funding was not included in the spending bill we are considering today. Our Nation's schools and our children deserve better.

Today, we are not meeting our promises to our veterans. The Department of Veterans Affairs—VA—has consistently received inadequate resources to meet rising medical costs and a growing demand for its health services. In November 2001, Secretary of Veterans Affairs Principi identified a $400 million funding shortfall for fiscal year 2002. As a result of this shortfall, more than 300,000 veterans throughout the country are on waiting lists for medical care, and many must wait 6 months or longer for an appointment to see medical staff. Although Congress provided $417 million for veterans health care as part of the FY 2002 emergency supplemental spending bill, passed in July 2002, the President agreed to spend only $142 million of the approved funds. In addition to the fact that the VA health system must now overcome the severely inadequate amount provided in fiscal year 2002, the VA has also been operating at last year's funding level since the onset of the 2003 fiscal year in October.

This funding crisis has forced the VA health system to resort to short-term fixes, such as discontinuing outreach activities in an effort to reduce enrollment, instituting new regulations that require the rationing of health care, and most recently excluding priority eight veterans from care. Moreover, the VA has already reduced services at a number of facilities throughout the country and has closed some facilities altogether. It is crucial for the VA to receive an appropriate increase in fiscal year 2003 medical care funding. For this reason I circulated a letter cosigned by 39 of my colleagues, urging the appropriations committee to assure that the $23.9 billion previously provided in both the Senate and the House Appropriations Committee bills—a $1.2 billion increase over the President's request—was not decreased. Instead, the Republican majority has decided to impose a 2.9 percent reduction to this funding level. Our nation's veterans deserve better.

Today, our nation is also facing an affordable housing crisis. For thousands upon thousands of low-income families with children, the disabled, and the elderly, privately owned affordable housing is simply out of reach. Recent changes in the housing market have further limited the availability of affordable housing across the country, while the growth in our economy in the last decade has dramatically increased the cost of the housing that remains.

The Department of Housing and Urban Development, HUD, estimates that more than 5 million American households have what is considered ''worst case'' housing needs. Since 1990, the number of families that have worst case housing needs has increased by 12 percent—that's 600,000 more American families that cannot afford a decent and safe place to live.

Earlier this month, HUD also announced plans to dramatically reduce the amount of funding available for the operation of public housing by up to 30 percent. This would cost the city of Boston approximately $13 million in housing funding during fiscal year 2003. This additional across-the-board cut would impose even further cuts in the operation of public housing. This is simply unacceptable to those who depend upon housing assistance.

I am also very disappointed at the inclusion of Section 213 in VA-HUD and Independent Agencies section of the omnibus appropriations resolution. This provision repeals of Section 9(n)(1) of the United States Housing Act and Section 226 of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999. Repealing this important law will stop 7,000 locally developed housing units in the State of New York and 5,000 housing units in the Commonwealth of Massachusetts from being eligible for public housing operating and capital funds from HUD. Those who receive public housing assistance in Massachusetts and around the Nation deserve better.

Above and beyond those issues, I have significant concerns about the anti-environmental riders in this package. The Tongass Rider, a prime example, locks citizens out of the courts, thwarting legal challenges to the Bush administration's rewrite of the Tongass' land management plan and its failure to recommend any new wilderness in the nation's largest intact temperate rainforest. The Yazoo Pumps rider expedites construction of the largest water pump project in the world right on the Lower Mississippi River Basin, destroying as much as 200,000 acres of ecologically rich wetlands—not even the administration recommended funding for the Yazoo Pumps in its fiscal year 2003 budget. These are serious riders affecting our Nation's wild lands in serious ways and they do not belong in any legislation passed by the Senate, much less tacked on in a sneaky manner as riders to this omnibus bill.

The funding levels included by the Republican majority in the omnibus appropriations resolution and supported by the Bush administration are simply inadequate to meet our Nation's education, homeland security, veterans and housing needs. Our Nation deserves better. That is why I will oppose this legislation and I ask all of my colleagues to oppose this bill as well.

Mrs. BOXER. Mr. President, I will vote against the omnibus appropriations bill.

I agree that it is important to complete work on the fiscal year 2003 appropriations bills. But, while it is important to pass a bill, that does not mean we should pass this bill.

Last year, the Democratic-led Appropriations Committee completed its work on all 13 appropriations bills. The new Republican majority took those bills and had one mission: cut, cut, cut.

The FBI was cut $388 million, eliminating over 1000 FBI agents and surveillance aircraft used to respond to terrorist attacks.

The Food Safety Inspection Service was cut $28 million, eliminating over 600 food safety inspectors.

The National Institutes of Health was cut $809 million, reducing the budget for biodefense by 46 percent and abandoning the plan to double the health research budget over five years—a goal that I worked to establish when I was a member of the Senate Budget Committee.

The Veterans Administration was cut $692 million, meaning that over 200,000 veterans will go without medical services and another 200,000 will remain on the waiting list for care.

Head Start was cut over $395 million, depriving over 21,000 children of early education.

And the funding for After-School programs—the provision of the No Child Left Behind Act that I authored with Senator ENSIGN—was cut $90 million, meaning that 130,000 additional kids will not be able to participate in afterschool programs and will be left alone on the streets after school gets out.

These cuts are not acceptable. Yes, we need to pass the appropriations bills, but not this way. We should go back to the drawing board and do it right.

Mr. MCCAIN. Mr. President, like many of my colleagues, I am very concerned about the growing number of uninsured Americans. This vulnerable population reached an estimated 41.2 million in 2001 and has surely grown during the recent economic down turn. I believe this is a serious problem facing our Nation and I am committed to working with my colleagues to reduce the number of uninsured Americans, to address their needs and to help all Americans access affordable health care. It is because of this commitment that I strongly support the Community Access Program (CAP) and I am pleased to see that it has been fully funded for fiscal year 2003 in the Senate-passed bill.

In my home State of Arizona and across the country, the CAP program has helped many hardworking Americans, who are neither eligible for State assistance or employer-based insurance, obtain access to health care. Five CAP programs currently operate in Arizona. All of them function differently, but together the programs help thousands of Arizonans access affordable health care. These programs are particularly critical in the southern border region of and in the northern rural areas of my State, where the programs

provide outreach services to low-income and non-English speaking patients. One program, the Pima Community Access Program (PCAP) works with doctors and hospitals to negotiate reduced rates for its members, and in some cases has successfully reduced the cost below that of our state Medicaid program.

The simple fact is that these programs are providing an invaluable service for the people of my State and across the country. CAP is one of several federally funded programs that exist to provide assistance to the uninsured. It is a merit-based grant program that allows local communities to develop plans that will best provide assistance to their uninsured populations. I believe that not only do we need to ensure funding for this important program, but we must also look towards expanding other successful programs and creating new innovative programs, like CAP, to address the needs of this vulnerable population.

Mr. STEVENS. Mr. President, third reading.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read the third time.

The bill was read the third time.

Mr. STEVENS. Mr. President, I yield to the majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, shortly we will be having our last vote of the evening on passage of the appropriations bill. I congratulate our two managers, and I thank all of our Members for their cooperation.

I will outline what our schedule will be so Members can plan. The Senate will be in a pro forma session on Friday. No business will be conducted tomorrow. The Senate will not be in session on Monday. We will next convene on Tuesday.

As a reminder, the President will deliver his State of the Union Address on Tuesday evening and Senators are asked to be in the Chamber beginning at 8:30 that evening. I expect there will be several important nominations available for consideration next week.

In addition, there may be other legislative matters and therefore rollcall votes are possible during next week's session. I do not anticipate any rollcall votes prior to Wednesday of next week. There will be further announcements as scheduling of those votes becomes more clear.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 29, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—69

Alexander	Craig	McConnell
Allard	Crapo	Mikulski
Allen	DeWine	Miller
Baucus	Dole	Murkowski
Bayh	Domenici	Murray
Bennett	Dorgan	Nelson (FL)
Bingaman	Ensign	Nelson (NE)
Bond	Enzi	Nickles
Breaux	Frist	Pryor
Brownback	Graham (SC)	Roberts
Bunning	Grassley	Santorum
Burns	Gregg	Sessions
Byrd	Hagel	Shelby
Campbell	Hatch	Smith
Cantwell	Hollings	Snowe
Carper	Hutchison	Specter
Chafee	Inhofe	Stevens
Chambliss	Kyl	Sununu
Cochran	Landrieu	Talent
Coleman	Lincoln	Thomas
Collins	Lott	Voinovich
Conrad	Lugar	Warner
Cornyn	McCain	Wyden

NAYS—29

Akaka	Feingold	Leahy
Biden	Feinstein	Levin
Boxer	Fitzgerald	Lieberman
Clinton	Graham (FL)	Reed
Corzine	Jeffords	Reid
Daschle	Johnson	Rockefeller
Dayton	Kennedy	Sarbanes
Dodd	Kerry	Schumer
Durbin	Kohl	Stabenow
Edwards	Lautenberg	

NOT VOTING—2

Harkin	Inouye

So the bill (H.J. Res. 2), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments and requests a conference with the House on the disagreeing votes of the two Houses and the Chair appoints 29 members of the Appropriations Committee as conferees on the part of the Senate.

The Presiding Officer appointed Senators STEVENS, COCHRAN, SPECTER, DOMENICI, BOND, MCCONNELL, BURNS, SHELBY, GREGG, BENNETT, CAMPBELL, CRAIG, HUTCHISON, DEWINE, BROWNBACK, BYRD, INOUYE, HOLLINGS, LEAHY, HARKIN, MIKULSKI, REID, KOHL, MURRAY, DORGAN, FEINSTEIN, DURBIN, JOHNSON, and LANDRIEU conferees on the part of the Senate.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator SPECTER be added as an original cosponsor of Senate amendment No. 167. It was our error.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I want to express my deep appreciation to the chairman of the Appropriations Committee, to the distinguished ranking member, Senator BYRD, and to their staffs who very patiently for the last week have been working on this literally 24 hours a day. Terry Sauvain and Steven Cortese have really showed great leadership throughout on the completion of a very critical bill. I especially thank the staffs very much but also the chairman and the ranking member.

Mr. MCCAIN. Mr. President, I have a long statement concerning the bill. There are colleagues of mine waiting. Senator KYL, my friend and colleague from Arizona, would like to talk about Korea. But I want to talk about the sense-of-the-Senate amendment on Korea.

First, I would like to make a few comments about the bill that just passed. This is a very massive piece of legislation. Obviously, there were many legislative authorizations about which I was pleased to hear the distinguished chairman of the Appropriations Committee complain. But there are several in the area of water projects—the Yazoo Pump project in central Mississippi and Devils Lake in North Dakota.

I would like to point out a couple of items of interest.

Report language directs the Agency for International Development to provide at least $2.5 million to the Orangutan Foundation located in Indonesia. The foundation likes to call the orangutan ''the neglected ap.'' Luckily for them, they are not being neglected by the Appropriations Committee. The appropriators not only like orangutan, they are also fond of gorillas. The committee gave $1.5 million to groups such as the Dian Fossey Gorilla Fund.

I do not know why we stop at gorillas. What about man's best friend? What about other species around the world that are endangered? I am sure that animal lovers throughout the world would be pleased to know that we are not just selecting orangutans and gorillas for millions of the taxpayers' dollars, which brings us to the lowly catfish.

Many of my colleagues will remember that last year the lowly catfish was designated as not a catfish but basa, depending on where it was raised. If it was raised in a pond in Vietnam, it was called basa. If it was raised in Arkansas, Mississippi, or other Southern States, it was called a catfish—a very interesting interpretation of species of animals.

Now the Appropriations Committee has done another marvelous feat; that is, we have now concluded that the lowly catfish, heretofore unknown, is related to the cow. In the emergency disaster relief section of this bill a provision was included that would qualify catfish farmers for livestock compensation payments. Perhaps the livestock

compensation program is a Federal farm program that compensates eligible livestock producers such as owners of beef, dairy cattle, sheep, goats or certain breeds of buffalo that have suffered losses or damages as a result of the severe drought.

I discussed this issue with some of my colleagues. The distinguished President informed me that catfish in Tennessee many times walk on land and are seen to be moving about the countryside foraging in various places. That helps me understand the logic of designating the catfish as livestock.

My friend, Mr. ENZI of Wyoming, said he heard that trout can easily die in certain conditions. Trout can easily die. Certainly the same could be said about catfish. That could take place with catfish as well.

I often take issue with various farm policies that disproportionately benefit large agribusinesses or farms at the expense of small farmers and taxpayers or those who compromise American agricultural trade commitments. This effort to compensate catfish farmers from a farm program intended for livestock stands out. I am certain that catfish proponents will offer a dozen different explanations to justify this provision. But hogs, poultry, and horse producers are not eligible under the livestock compensation program. I wonder why catfish should get livestock payments when those worthy animals are excluded, such as hogs, poultry, or horses.

I think it is important for us to recognize that we have now a new category of livestock; and that is catfish. Catfish lovers, and I count myself as one, all over America will be very grateful to know not only are they a tasty treat, but they are eligible for disaster payments so that we can keep Americans supplied with catfish under any circumstances, drought or no drought.

Also, in the recent 2002 farm bill, domestic catfish proponents were successful, as I mentioned, in banning all catfish imports by requiring foreign catfish be labeled as something other than catfish.

I want to mention a few others and make a couple of comments about them.

Included in the bill are earmarks, among many others, such as $200,000 for the Anchorage People Mover in Alaska. Strangely, as I have mentioned in the past on numerous occasions, you will find many earmarks that are designated for the great state of Alaska; $250,000 for the Mary Baldwin College in Staunton, VA, for the Center for the Exceptionally Gifted. Now, my dear friends, they are exceptionally gifted because they have just received $250,000 for the exceptionally gifted. Not many colleges around the country are as lucky and exceptionally gifted as the young men and women at the Mary Baldwin College in Staunton, VA. And $1.5 million for WestStart's Vehicular Flywheel Project in the State of Washington.

One of the unfortunate aspects about an appropriations bill is that quite often, or most of the time, there is not an explanation. As I remember flywheel projects, it seems to me that was a perpetual motion machine. But it is something on which I think we should continue to make an effort. So we have decided to gift WestStart's—I don't know who WestStart's is. I know they are located in the State of Washington—$1.5 million to continue that effort. And $1 million for the National Center for the Ecologically Based Noxious Weed Management at Montana State University.

I think families all over America that have noxious weeds in their yards would be pleased to know that we are continuing a multimillion-dollar effort over a many-year period of time at the uniquely qualified Montana State University to try to get rid of these noxious weeds, or at least manage them, because I don't think they claim to remove noxious weeds. It is just a management program.

There is $600,000 to treat waste on small swine farms in South Carolina. I don't know if that means for small animals or small farms; that was not designated—perhaps both. It is in South Carolina. Since it is only $600,000, we all know it is chicken feed.

But my favorite—I will get to my favorite—again, strangely enough, $100,000 for the Alaska Sea Otter Commission.

There is $300,000 to the Southern Regional Research Center at New Orleans, LA, for termite detection systems, evaluation of wood products for protecting building materials, and bait technology.

Bait technology is something that all of us who love to fish will be very interested in hearing about. As we all know, for those of us who love to fish, bait technology is an intricate and very difficult challenge. So I can certainly see why the Southern Regional Research Center in New Orleans, LA, would be qualified.

There is $200,000 to study seafood waste at the University of Alaska. ''Seafood waste''—I am not exactly sure what that means, but I am sure it is an important study.

There is $300,000 for the Old Stoney feasibility study in Wyoming. Old Stoney, he has been in there before—Old Stoney. And, again, I am not sure exactly what Old Stoney is. I think he is a building, but I am not sure. And I don't know what the feasibility or nonfeasibility is of Old Stoney.

There is $650,000 for grasshopper and Mormon cricket activities in the State of Utah. I don't know exactly what activities the Mormon crickets engage in and grasshoppers, but they are going to have $650,000 to engage in their activities.

Finally, because my colleagues are waiting to speak, there is $1 million for a DNA bear sampling study in Montana. I have to repeat that: $1 million for a DNA bear sampling study in Montana.

Up to this time, in my limited knowledge and experience, I had only known that DNA studies were to determine paternity in the commission or noncommission of a crime. But perhaps there are other uses. And I am not really familiar with a lot of the bears that live up in Montana. But this is really quite a remarkable study—a remarkable study—$1 million.

And I don't know how many bears there are in Montana, but I wonder if probably that amount of money is very significant, because I think it would be very hard to hire people who are eager to go out and get a DNA sample from a grizzly bear. In fact, I would be very interested in knowing the methodology as to how this DNA sampling is obtained from these grizzly bears.

So I wish them all luck up there in Montana. We will eagerly await the results of the DNAs of these bears. And any of them that have been guilty of the commission of some serious crime, I am certain it will help us in identifying them. I do agree that it is very difficult to tell one from another. So that is probably why the DNA is warranted here, as I am sure the Senator from Alaska would allege and the good folks up in Montana who have been plagued with a lack of ability to identify the bears according to their DNA now for several generations.

So I do believe, in a moment of seriousness, we really need to scrutinize some of these appropriations items more carefully. They do amount to a great deal of money. Again, I see this legislating on appropriations continuing, which I think is an unfortunate practice.

I congratulate the distinguished manager of the bill with the efficiency and dispatch in which he handled the legislation today. I congratulate him for his hard work in providing much needed funding so we can now begin next year's efforts. And I look forward to being able to do this 13 times in the coming year rather than just once or twice.

Mr. President, I ask unanimous consent to yield to the Senator from Arizona concerning a sense-of-the-Senate amendment.

Mr. BOND. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, that was a very enlightening speech, but I wonder how long the Senator wishes to speak. There are several others who want to speak. I understand it is only for 3 minutes; therefore, I will not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 57, AS MODIFIED

Mr. KYL. Mr. President, obviously, the subject which I will speak to is a very serious one and requires a lot more discussion than we are going to give it this evening. But the reason Senator MCCAIN and I offered the sense-of-the-Senate resolution on

North Korea was to begin to shed light on this most difficult problem and to give voice to the Senate feelings so that everyone could appreciate the fact that the Senate views this as an incredibly important problem that requires us to pay a lot more attention to it and that requires the President to have additional tools to deal with it.

Mr. President, I ask unanimous consent that Senator BROWNBACK of Kansas be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, one of the primary reasons that Senator BROWNBACK is interested in this matter is because the last portion of this amendment talks about the fact that North Korea, alone among nations in the world, does not participate appropriately in the distribution of food aid assistance under the World Food Program.

The United States is the largest provider of food aid to North Korea, some $620 million since 1995. Yet North Korea does not comply with the World Food Program requirements to ensure that the food we provide actually gets to its intended beneficiaries. They, instead, divert much, if not most, of that food aid—that we desire for humanitarian reasons, to keep the people of North Korea fed, at least in a modest way—to its military industrial complex.

What this sense of the Senate does is to make it clear that the Senate believes that North Korea is in violation of agreements that it has signed not to develop nuclear weapons, that it is in violation of the agreed framework—by its own actions it has been declared null and void—that a diplomatic solution desirable in this situation must achieve the total disarmament of North Korea's nuclear weapons and their production capability, and that the United States and other allies in the region must take measures to ensure the highest possible level of deterrence and military readiness in the event that something there should occur.

So what we want to do by this sense of the Senate—as I said, the subject is far too serious to be dealt with in just a perfunctory way, but at least we hope this sense-of-the-Senate resolution, which was adopted earlier this evening, will begin the debate in the Senate, will enable us to make clear to the rest of the world that we view this situation seriously, that we support the President's efforts to try to achieve a resolution of it in a way that will result in the dismantlement of the nuclear program in North Korea and, frankly, will expose its horrendous practice of taking food aid with which the rest of us intend to keep the people of North Korea alive and diverting that for the military in North Korea. It will expose that problem to the light of day so we can begin to get that food to the people who deserve it.

Mr. MCCAIN. Mr. President, the amendment Senators BAYH, KYL, SESSIONS, and I offered expresses the sense of the Senate that North Korea must immediately comply with its international obligations to abandon and dismantle its nuclear weapons programs. As the administration explores a diplomatic solution to the crisis with North Korea, we believe it is important for the Senate to send Pyongyang a clear message that flagrant for its commitments to the United States and the international community remains unacceptable.

Our amendment highlights North Korea's violation of both the Agreed Framework and the North-South Joint Declaration on the Denuclearization of the Korean Peninsula. It expresses the Sense of the Senate that the Agreed Framework, as a result of North Korea's own actions, is own actions, is null and void, and that North Korea must immediately come into compliance with its obligations under the Non-Proliferation Treaty and other commitments to the international community.

Our amendment states that North Korea's pursuit and development of nuclear weapons represent a serious threat to the security of the United States and our allies; that any diplomatic solution to this crisis must achieve the total dismantlement of North Korea's nuclear weapons and nuclear production capability, backed by intrusive inspections; and that the United States and our regional allies should take measures to ensure the highest possible levels of deterrence and military readiness in the face of the North Korean threat.

We have also worked with Senator LUGAR to craft language calling on North Korea to allow full verification of food aid assistance by providing the World Food Program access to all areas of North Korea and permitting the WFP to undertake random inspections. Since 1995, the United States has been the single largest food donor to North Korea, providing $620 million in food aid assistance. We must have confidence that this assistance is going to hungry North Koreans, not the country's political and military elite. I thank the Senator from Indiana for his contribution.

North Korea's pursuit of a nuclear arsenal directly threatens the security of the American people. Those who counsel a return to the status quo fail to grasp the danger of rewarding threats and retreat and concession.

We all hope for a diplomatic solution to the current crisis. But as we have seen in the debate over Iraq and in our previous dealings with Pyongyang, our desire for peaceful outcomes cannot blind us to the dangers of policy drift or diplomatic accommodation in the face of compelling threats to our security.

North Korea and Iraq present different faces of the same danger. I believe North Korea poses a greater danger than Iraq, and confronting it presents a more difficult challenge. That is all the more reason to take whatever action necessary to prevent Saddam Hussein from becoming a threat of equal magnitude, and just as difficult to confront.

But the greater difficulty of resolving the Korean crisis is not the central concern. The greater danger it poses is. This doesn't absolve us of the responsibility to meet and overcome the threat any more than it replaces the necessity of overcoming the threat from Iraq. Nine years ago we faced a difficult set of options in dealing with North Korea. We chose to avoid them, and our irresolution has placed us in even greater danger. I hope we don't make the same mistake again.

Our security depends on preventing North Korea from possessing a nuclear arsenal. That must be the primary object of our diplomacy. Freezing Pyongyang's nuclear program in place while we and our allies prolong the reign of the world's last Stalinist regime does not accomplish that objective, but merely encourages future attempts at nuclear blackmail. In my view, only if North Korea is prepared to surrender the enriched uranium it secretly attained, the spent fuel rods that would yield enough plutonium for three to five nuclear weapons, as well as dismantle the reactor and reprocessing plant it now threatens to restart, should we or any other country consider any assistance that might help North Korea escape the certain destiny of a failed state.

I am pleased the Senate is going on record in its clear support for North Korea's nuclear disarmament, a rigorous inspection regime in any diplomatic agreement that is reached, the highest possible level of military readiness against the threat North Korea poses, and full and effective monitoring of food aid assistance. The burden is on North Korea to comply with its obligations, not on the United States to refrain from telling the truth about this rogue regime, or facing the consequences of the grave threat it poses to our people and our interests.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 6, AS MODIFIED

Mr. COLEMAN. Mr. President, I know it is late, but I did want to say a few words about Paul and Sheila Wellstone before we left today.

I am deeply gratified one of the first subjects that brings me to my feet in this Chamber is the memory of Paul and Sheila Wellstone.

I knew them both well. I was their mayor. I campaigned for them. I campaigned against them. At times I agreed with them, and at times I strongly disagreed with them. It is a measure of the humanity and integrity of Paul and Sheila Wellstone that even those who disagreed with them always respected and admired the enthusiasm, the passion, and the courage with which they pursued their vision.

This fall I had planned to contest an election against the Senator. I never dreamed I would be mourning his death. I was his political opponent. And, as two fighters at the end of a boxing match who embrace each other after the final bell has rung, I am sad for myself we never had that moment.

This body began the good work of providing a living memorial to Paul and Sheila and the others who died. We are proud that it will be in St. Paul, the city I served as mayor. It is a Paul and Sheila Wellstone kind of place. It is literally where the East meets the West. Since Paul came from the East, as I did, he probably felt very much at home in our ethnic neighborhoods, filled with middle-class working families. It has been a destination for immigrants, as were the Wellstones a generation back. It is a city of hard work and big dreams, the soul of who Paul and Sheila were.

We have the opportunity to retain that spirit; and that is the Paul and Sheila Wellstone Center for Community Building.

It will be a 93,000-square-foot building. A community center is a poor substitute for the real thing—Paul and Sheila themselves—but it is worth doing, providing a safe place where kids can play and learn, where families can receive training and support and community members can be organized to fight injustice and partake in the American dream.

In the spirit of Paul Wellstone, I should probably be out here trying to triple the funding because he was always pushing the edge, but I was sent here by my constituents with a more conservative vision. I simply urge my colleagues to support the funding level for the Paul and Sheila Wellstone Center authorized last year. I honor Paul and Sheila's memory today and will strive to be worthy of the example they set throughout the time I am in this place.

I had introduced an amendment and intended to offer it today to increase the appropriations amount for the Paul and Sheila Wellstone Center from $3 million currently in the bill to the full funding level of $10 million. However, I understand and very much appreciate the fact that my good friend, the chairman of the VA–HUD appropriations subcommittee, along with other distinguished managers of this bill, has agreed to increase the amount to $5 million and to ultimately provide full funding at $10 million in the conference report to accompany this legislation.

Mr. BOND. Mr. President, if the Senator from Minnesota will yield.

Mr. COLEMAN. I am happy to yield to my friend, the distinguished chairman of the VA–HUD appropriations subcommittee.

Mr. BOND. I commend the Senators from Minnesota for their tribute to our colleague, to Paul Wellstone and to Sheila Wellstone, Senator and Mrs. Wellstone.

We know what a priority this is for them and for the people of Minnesota. We commend their devotion. I know I speak for my colleagues in the Chamber when I say we want to do everything we can to help ensure that the Paul and Sheila Wellstone Center for Community Building serves as a successful living memorial to the two fine friends we have lost.

In order to do this, we have, working with my distinguished ranking member, the Senator from Maryland, increased the appropriations in this bill from $3 million to $5 million. I assure the Senators that Senator MIKULSKI and I will work together with our counterparts in the House to achieve full funding, $10 million, for the Paul and Sheila Wellstone Center. This is something which we understand is very important, and they have our commitment to work very hard to see that those dollars are made available.

I thank the Chair and my colleague from Minnesota.

Mr. COLEMAN. Mr. President, I thank the distinguished chairman for his assistance on this matter that is so important to me and all the people of the State of Minnesota. I know Senator Wellstone and his wife will be honored by the tribute we pay them today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I appreciate the words of the chairman of the subcommittee, the Senator from Missouri. I appreciate the Senator staying here to engage my colleague from Minnesota and myself in this colloquy.

I accept as a matter of good faith the sincerity of the words expressed on the floor and also in conversation with the chairman of the full Appropriations Committee, Senator STEVENS from Alaska, that this full funding will be sought in conference with the House. In a moment now of suspension of disbelief and cynicism, I will trust and believe that actually will occur.

I must say, nothing I have seen so far in this process has persuaded me that this result is going to occur. Obviously, what happens here is decided by the actions of the 100 of us, and the House the same. Before my distinguished colleague from Minnesota was sworn in last November, Senator Wellstone's immediate successor, Senator Dean Barkley, in his 2 months as a Senator from Minnesota, distinguished himself in a number of ways. One of them was getting the support of the administration and the House-Senate Democratic and Republican caucuses and leaderships to a $10 million authorization for this center that will be named after and honor the memory of Paul and Sheila Wellstone.

Ten million dollars is certainly real money, but in the scheme of a $690 billion bill, it is a tiny speck. As we heard from Senator MCCAIN earlier, there are projects of far less merit that have been funded at significantly higher amounts than this particular project. It is hard to listen to all of that and see how some of these projects that are not supported get in because a certain somebody is in favor of them. On a project such as this, which the entire Senate, only 2 months ago, voted unanimously to authorize at $10 million, I understand full well that is not an appropriation, but it was certainly the expectation when this vote was taken that $10 million was going to be needed and provided in a way that the memory of Paul and Sheila Wellstone could be recognized and acted upon and, in the spirit in which this project was passed, with unanimous, bipartisan support, that amount would be realized. Then we come back and hear at the beginning of this week that, in fact, only $3 million out of the $10 million was appropriated. Senator COLEMAN, to his credit, worked very hard this week within his caucus to raise that amount, I am told, to a commitment to $5 million.

I know how difficult it is for a freshman Senator in the first 2 years to get $2 million in this process. So I give the Senator from Minnesota high praise for getting $2 million in his first month. Nevertheless, that is only half of the commitment.

To me, it is shameful that we are quibbling over this kind of funding for something that the entire Senate ought to be doing because they said they would do it, because it is the right thing to do.

Paul Wellstone was my friend of 22 years and colleague for the last 2 years. I would feel the same way if it were a member of the other caucus and if it were somebody whose ideological views were totally the opposite of mine. This man gave his life in the service of his country. His wife lost her life, and his daughter lost her life. There but for the grace of God go any one of us who get on these planes and fly around.

For the Senate to have made a commitment and then failed to honor that commitment in full without any of this finagling is disgraceful. To pretend that 5 is really 10 and half is really whole and we will get it next time or the next round in the process when, with our own opportunity right here in front of us, we failed to do so—again, I will trust, but as President Reagan said: Trust, but verify.

The State of Minnesota will be watching this process in conference to see if in fact we can count on the words that have been expressed here tonight.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Senate be

in a period of morning business and Senators be permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN HONOR OF CAPTAIN KEVIN BAKKE

Mr. DASCHLE. Mr. President, I come to the floor today to honor a great American and a valued public servant. Captain Kevin Bakke of the South Dakota Highway Patrol has served the people of South Dakota for more than 27 years. In his most recent capacity as the District One Commander in my hometown of Aberdeen, he oversaw all the law enforcement functions of the highway patrol for the northeastern region of South Dakota. His affable style of leadership is respected and well-liked by all those who know him.

During his 27 years as a law enforcement officer, Captain Bakke has served in various posts throughout the State of South Dakota. His talents were widely recognized by his peers and colleagues alike.

Kevin Bakke began his law enforcement career in 1975 as a trooper in Rapid City, was promoted to squad sergeant in Huron, and then to lieutenant in Aberdeen. Most recently, he has served capably as one of four captains in the South Dakota Highway Patrol.

Captain Bakke's absence will leave a void in the highway patrol, as many will miss his quick smile and skillful leadership. The citizens of South Dakota have been in good hands under Captain Bakke's protection. As he retires from the South Dakota Highway Patrol, I want to commend him for his extraordinary service to the people of our State, and to wish him the best in his new endeavors with the Transportation Security Administration.

RECOGNIZING THE NATIONAL CENTER FOR HEALTHY HOUSING'S 10TH ANNIVERSARY

Mr. REED. Mr. President, I rise today to recognize the National Center for Healthy Housing as it celebrates its 10th year of protecting children from residential environmental hazards while preserving the supply of affordable housing.

The National Center for Healthy Housing was founded in 1992 as the National Center for Lead-Safe Housing to address the No. 1 environmental health problem facing our Nation's children, childhood lead poisoning, and the threat that lead paint posed to the preservation of our Nation's affordable housing stock. Since its inception, the center has become our country's preeminent source of technical and practical information on reducing the threat of lead paint hazards in housing. The center was responsible for publishing the first comprehensive technical guidelines for evaluating and controlling lead paint hazards in housing, which are still being used today. The center conducted a scientific evaluation of 14 projects funded by the Department of Housing and Urban Development, (HUD), Lead-Based Paint Hazard Control Grant program. The evaluation yielded important information about the effectiveness of lead hazard control treatments and the results continue to inform national lead poisoning prevention policy. The center also published a groundbreaking scientific study on the relationship between settled lead dust levels and blood lead levels in children. It was this study that highlighted the insidious nature of the hazardous dust generated from lead-based paint.

Despite its many research accomplishments, the center is perhaps best known for its unique ability to translate scientific research and Government regulations into results. When HUD published its final lead-safe housing regulation 2 years ago, communities expressed concern about the lack of trained personnel to carry out the rule's requirements. In response, the center administered training to over 14,000 individuals across the country, enabling them to perform the lead-related services required by the rule. When local housing programs expressed a need to better understand the rule's requirements and how to incorporate them into the Community Development Block Grant and HOME programs, the center provided training to over 2,000 housing program staff in over 40 communities.

Today, as the National Center for Healthy Housing, the center continues its commitment to childhood lead poisoning prevention and is expanding its expertise to other environmental hazards in the home such as mold, allergens, and other irritants.

As we celebrate the center's 10th anniversary, I would also like to pay tribute to its founding director, Nick Farr. Mr. Farr retired last October after a long and distinguished career in both the public and private sectors. Much of his professional experience was in the areas of housing finance, housing and urban development, and housing-based lead poisoning prevention. A graduate of Yale Law School, Mr. Farr spent the 1950s and early 1960s in private practice. In 1962, Mr. Farr joined the Agency for International Development at the U.S. Department of State as Deputy Assistant Administrator for the Near East and South Asia economic assistance programs. Five years later, President Lyndon Johnson appointed him Director of the Model Cities Administration at the U.S. Department of Housing and Urban Development. In the 1970s, Mr. Farr was a New York University law professor before joining the U.S. Department of Commerce as General Counsel to the Economic Development Administration in 1977. In 1979, Mr. Farr was appointed General Deputy Assistant Secretary for Community Planning and Development at the U.S. Department of Housing and Urban Development. Then in the 1980s, Mr. Farr was Executive Director of the California Housing Finance Agency, Executive Vice President of the Wells Fargo Mortgage Company in California, and Vice President for Field Services at The Enterprise Foundation. During his tenure with The Enterprise Foundation, Mr. Farr served on the board of directors of a nonprofit housing developer based in Baltimore that focused on creating affordable, lead-safe housing units. As a result of his service on this board and his accumulated professional experience, in 1992, Mr. Farr conceived of, and created, the National Center for Lead-Safe Housing. As the founding director of the center, Mr. Farr helped spearhead a variety of public and private initiatives to protect our Nation's children from residential lead hazard exposures.

I ask my colleagues to join me in saluting Nick Farr's legacy and the profound impact that the National Center for Healthy Housing has had and continues to have on the creation and maintenance of safer and healthier affordable housing for low-income families across our Nation.

ON LIBYA'S CHAIRMANSHIP OF THE U.N. HUMAN RIGHTS COMMISSION

Mr. SMITH. Mr. President, I rise today to speak about the selection of Libya this week to head the U.N. Human Rights Commission. Libya's taking the helm of the U.N. Human Rights Commission makes a mockery of that institution and deprives the U.N. and the world at large of credible leadership from that position at a critical time.

It is a well established fact that Libya's totalitarian regime under Muammar al-Qadhafi has had an abysmal human rights record and has been a leading state sponsor of terrorism. The most widely publicized incident was the 1988 bombing of Pan American Airways flight 103 that resulted in 270 deaths. The Iran Libya Sanctions Act, ILSA, was extended until August 2006 due to such support for terrorism, attempts to acquire weapons of mass destruction, and belligerency over territorial claims. I was proud to author the ILSA extension in the last Congress.

The Libyan government must improve its standing in the international community by ceasing support to terrorists and moving towards a more democratic system. Under current circumstances, however, this chairmanship will be sadly devoid of leadership by example. Libya's ascendancy to the chairmanship of the Commission has dealt an appalling blow to the cause of human rights and to the credibility of that U.N. body.

Last week my great friend and colleague, CHUCK SCHUMER, the senior Senator from New York, urged Secretary Powell to do all that he could to prevent this travesty.

I ask unanimous consent to have this letter from Senator SCHUMER and me printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 16, 2003.

Hon. COLIN L. POWELL, Secretary of State, 2201 C Street, NW, Washington, DC.

DEAR SECRETARY POWELL: We were greatly troubled to learn that Libya has been nominated by the African delegation to lead the U.N. Human Rights Commission and stands to potentially assume that key leadership role in a vote at the UN on Monday, January 20. We share the opinion of our respected colleague from the House International Relations Committee that Libya's ascendancy to that position would deal a significant blow to the cause of human rights.

Libya, under Muammar al-Qadhafi, has an abysmal human rights record and has been a leading state sponsor of terrorism. The most widely publicized incident was the 1988 bombing of Pan American Airways flight 103 that resulted in 270 deaths. As you are well aware, the Iran Libya Sanctions Act (ILSA) was extended until August 2006 due to such support for terrorism, attempts to acquire weapons of mass destruction, and belligerency over territorial claims.

We hope that the Libyan government will improve its standing in the international community by ceasing support to terrorists and moving towards a more democratic system. Under current circumstances, however, Libya's taking the helm of the UN Human Rights Commission would make a mockery of that institution and deprive the UN and the world at large of credible leadership on human rights at a critical time.

We believe that your personal leadership may be required to secure an acceptable outcome in the vote next Monday. Toward that end, we urge you to speak out on the human rights situation in Libya and to consider interceding with relevant delegations so that wisdom might prevail.

Thank you for your attention to this matter. We look forward to continuing to work with you, and appreciate your consistent efforts to promote respect for human rights.

Sincerely,

GORDON H. SMITH.
CHARLES E. SCHUMER.

STOLEN FIREARMS, ARMING THE ENEMY

Mr. LEVIN. Mr. President, last month Americans for Gun Safety, an organization which seeks to educate Americans on existing gun laws and new policy options for reducing access to guns by criminals and children, released a report entitled Stolen Firearms, Arming the Enemy. This report examines the effect of stolen guns on communities. According to the report, nearly 1.7 million firearms have been reported stolen since 1993. These stolen guns are frequently used later in committing crimes and fuel the black market for guns. Most of the estimated 170,000 guns stolen each year are never recovered.

The accessibility of stolen firearms was earlier highlighted by a 1997 Department of Justice survey of 33,731 state prison inmates. The survey found that nearly 10 percent of the inmates used a stolen firearm to commit the crime that put them in prison.

The Americans for Gun Safety report points to several factors that contribute to a state's firearm theft rate, such as gun ownership rates, overall crime rates, and safe storage laws. The report notes that the eighteen states with safe storage laws had firearm theft rates nearly 30 percent below that of States without safe storage gun laws. Additionally, over the last 10-year period, theft rates declined by at least 47 percent in States with safe storage laws compared to 30 percent in States without such laws.

As the Americans for Gun Safety report illustrates, safe storage laws can help prevent criminals from gaining access to firearms. Federal safe storage laws aimed at protecting children may have the added benefit of preventing gun theft. Last Congress, I cosponsored Senator DURBIN's Children's Firearm Access Prevention Act. Under this bill, adults who fail to lock up loaded firearms or unloaded firearms with ammunition can be held liable if a weapon is taken by a child and used to kill or injure him or herself or another person. The bill also increases the penalties for selling a gun to a juvenile and creates a gun safety education program that includes parent-teacher organizations, local law enforcement and community organizations. This bill is similar to legislation President Bush signed into law as Governor of Texas. I believe this is a simple common sense step we can take to reduce gun violence and gun-related crime. I support this bill and I hope the Senate will act on it during this Congress.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 7, 2001 in Mira Mesa, CA. A man of Indian descent was knocked out with a baseball bat in what was described as a hate crime linked to the September 11 backlash. The victim told police he was walking beside the road when he heard someone yell an ethnic slur. He was then hit on the head and knocked unconscious. A woman came to his aid and told him he had been hit by two white males with an aluminum baseball bat. The victim was treated at a local hospital.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

AFFIRMATIVE ACTION IN HIGHER EDUCATION

Mr. FEINGOLD. Mr. President, I wish to address the importance of maintaining a commitment to affirmative action in college admissions programs.

President Bush, unfortunately, took our nation a step backward when he announced last week that his administration would file an amicus curiae brief with the Supreme Court opposing the admissions policies of the University of Michigan. The President apparently believes that college admissions decisions should never consider the race of applicants, even though he also says that he supports the pursuit of campus diversity.

In 1978, in University of California v. Bakke, the Supreme Court ruled that campus diversity can be a ''compelling governmental interest'' that justifies reasonable, narrowly tailored affirmative action programs at universities. The Supreme Court said that colleges and universities cannot use quotas to achieve campus diversity, but affirmed that campus diversity can be a worthy goal of college admissions policies. In December 2002, the Supreme Court, for the first time since its Bakke decision, agreed to review two cases that challenge a university's affirmative action programs—Grutter v. Bollinger, which involves the admissions program at the University of Michigan Law School, and Gratz v. Bollinger, which involves the undergraduate admissions program at the University of Michigan.

Some, including President Bush, have criticized affirmative action programs in higher education, like those in place at the University of Michigan, as ''quota'' programs. They are simply wrong. These affirmative action programs do not set quotas or numerical targets for admitting a certain number of students of a particular race or ethnicity. In fact, the Bakke decision long ago prohibited colleges from employing a quota system. So, for President Bush to suggest that this is a question of whether to support a quota system is a mischaracterization of the issue before the Court.

Some critics have also wrongly stated that affirmative action programs admit students primarily on the basis of race. According to the Washington Post, the President stated that the University of Michigan's admissions system selected students ''primarily on the basis of the color of their skin.'' But again, this is simply not an accurate description of the current law or of how students are admitted to the University of Michigan.

Rather, in most affirmative action programs for college or graduate school admissions, race is simply one of numerous factors that can be considered by admissions officers to create a diverse student body. For example, under the University of Michigan's undergraduate admissions policy, the University considers the entire background of the applicant. Students are evaluated on a 150 point scale to determine their fitness for admission. The

vast majority of these points—110 of 150 points—are awarded based on academic achievement. That means grades, test scores, and curriculum. The University also considers other factors like leadership, service, and life experiences. Only 20 points can possibly be awarded on the basis of race. A student who is socioeconomically disadvantaged can also earn 20 points but students cannot earn 20 points for both race and being socioeconomically disadvantaged. Thus, the University does not have a quota or numerical target for minority students, nor does the University admit students primarily on the basis of race.

Like the University of Michigan, most colleges and universities generally give academic records—such as college grades and standardized test scores, the caliber of high school attended, and the rigor of the student's chosen curriculum—the greatest weight in determining whether a student gains admission. But other factors—such as extracurricular activities, race, athletic talent, geographic diversity, or whether students are related to alumni—are also frequently given consideration in the college admissions process. Many colleges give preferences to the children of alumni, and these preferences will often work to the disadvantage of people of color. So, race can be a factor but is not the sole factor in determining admission to college.

I am especially disappointed in the Bush Administration's decision to oppose affirmative action programs because the President has said that he is committed to equal educational opportunities for all America's children. The President has said that education is one of his top priorities. Yet, he has now turned his back on many of the students he promised to help. By submitting an amicus curiae brief to the Supreme Court favoring the abolition of affirmative action programs, the President sends the message that he opposes creating higher education opportunities for minority students, who do not always have the same educational opportunities at the secondary school levels as white students.

I might add, that I believe Congress also has an important responsibility to ensure equal access to higher education. I strongly believe that Congress can do more to ensure that students meet the costs of today's college education. That is why Senator COLLINS and I have recently called for a doubling of Pell Grant funding by 2010. Pell grants are an important support for all low income students, regardless of race. In fact, if it were not for the Pell grant program, many low income students would not have the chance to attend college at all.

The Pell grant, however, does not cover what it once did. The price of a college education at both public and private institutions has increased dramatically. Congress needs to increase the funding of the Pell grant program to keep up with the increasing costs of higher education.

One of the greatest strengths of our nation is its pursuit of equal educational opportunities for all students. Our nation's colleges and universities are the envy of the world for their rigorous curricula and high-caliber professors, but also for their enriching experience of learning in an environment with students who represent a range of racial, ethnic, and social and economic backgrounds representing every part of America, if not the world. I am deeply disappointed that the President decided to put the government of the United States of America on the wrong side of the case where the Supreme Court will address this crucial issue. I hope that the Court will affirm the importance of campus diversity and uphold affirmative action admissions policies that allow colleges and universities to achieve this important diversity.

THE NOMINATION OF GOVERNOR TOM RIDGE AS SECRETARY OF THE HOMELAND SECURITY DEPARTMENT

Mr. JEFFORDS. Mr. President, I rise to speak on the nomination of Governor Tom Ridge to head the newly created Department of Homeland Security. Although I support his confirmation, I would like to elaborate on my expectation that Governor Ridge will be responsive to Congressional committees as he carries out his duties.

As the ranking member on the Senate Environment and Public Works committee, I have been deeply concerned about the creation of this new department. I voted against the legislation creating the Homeland Security Department in part because of concerns about the Federal Emergency Management Agency, FEMA, role in the new organization and its ability to carry out its mission once moved into the Department. The Environment and Public Works Committee, EPW, will continue to have oversight of FEMA within the new department. I fully expect Governor Ridge to answer any and all questions we may have about FEMA's new role in a responsive and timely fashion.

I also expect the Department to act to protect our chemical and nuclear plants from attack and to support legislation such as S. 157, the Chemical Security Act sponsored by Senator CORZINE and myself in the 108th Congress, and favorably reported by the EPW Committee in the 107th Congress as S. 1602, and S. 1746, the Nuclear Security Act sponsored by Senator REID and reported favorably by the EPW Committee in the 107th Congress.

Governor Ridge expressed his concern about these important security issues in testimony before the EPW Committee on July 10, 2002, stating, ''The fact is, we have a very diversified economy and our enemies look at some of our economic assets as targets. And clearly, the chemical facilities are one of them.'' The Washington Post published a letter on Sunday, October 6, 2002 from Governor Ridge and Administrator Whitman expressing the commitment of the Bush Administration to reduce the vulnerability of America's chemical facilities to terrorist attack. In this letter the Governor stated that voluntary efforts alone are not sufficient to provide the level of assurance Americans deserve. I agree with the Governor and expect his engagement in the development of legislation to address this issue.

As Senator LEVIN pointed out in Governor Ridge's confirmation hearing before the Government Affairs committee last week, language contained in section 214 of the implementing legislation for the Homeland Security Department could be interpreted to exempt from disclosure any information included in a voluntary submission, including evidence of illegal activity such as hazardous waste dumping. Further information, even if discovered independently of the submission, could not be used in any action against that company. Even a Member of Congress would be prevented from taking any action with that information.

In other words, this language could give substantial legal shelter to companies acting illegally. The potential environmental consequences of this are enormous.

While I note the potential for this interpretation, I do not believe it is the correct interpretation, and I was heartened to hear that Secretary Ridge shares my views on this. In last week's confirmation hearing, he said, ''That certainly wasn't the intent, I'm sure, of those who advocated the Freedom of Information Act exemption—to give wrongdoers protection, or to protect illegal activity. And I'll certainly work with you to clarify that language.''

I agree with the Secretary that ambiguities in this language must be clarified to make clear that it is only the physical document being submitted to the Department of Homeland Security that is intended to be protected by this provision. Records generated elsewhere or by other means, even if they contain similar or identical information to that which was submitted to Homeland Security, would not be affected by this provision but would continue to be treated under existing Freedom of Information Act provisions or other applicable law. This allows confidentiality of the information voluntarily submitted to Homeland Security, while still allowing other Government agencies to proceed with their duties under existing law. It also allows the public continued access to information to which it has traditionally been entitled under our public information laws.

I look forward to working with Governor Ridge as he assumes his new post.

GLOBAL AIDS

Mr. KOHL. Mr. President, yesterday, I was pleased to join Senators DURBIN, DEWINE and others in sponsoring an amendment to increase funding to fight AIDS around the world. It is imperative that we do all we can to stem the spread of this deadly and devastating disease.

The latest statistics tell a grim story: The AIDS epidemic claimed more than 3 million lives in 2002, and an estimated 5 million people acquired the human immunodeficiency virus, HIV, in 2002, bringing to 42 million the number of people globally living with the virus. While we are most familiar with the presence of AIDS in Africa, especially sub-Saharan Africa, AIDS is rapidly expanding throughout Eastern Europe, Asia and the Caribbean. By 2010, it is estimated that approximately 40 million children worldwide will have lost one or both of their parents to HIV/AIDS.

The amendment adopted by the Senate would increase our commitment to the United States Agency for International Development's Child Survival and Health Programs Fund by $180 million. Of that amount, $100 million is for a U.S. contribution to the United Nations Global Fund to Fight AIDS, Tuberculosis and Malaria, and $25 million is available for transfer to the U.S. Centers for Disease Control to help in the prevention and treatment of HIV/AIDS. This amount will bring the total U.S. contribution for Fiscal Year 2003 in the fight against global AIDS to $1.525 billion. While this is a far cry from the $2.5 billion sought by the international health community to meet the needs of international organizations working to eradicate AIDS and individual countries grappling with soaring HIV infection rates, it is the least we can do.

The current Administration has asserted on a number of occasions that the U.S. government is prepared to play a leadership role in the fight against the spread of HIV/AIDS. Yet earlier this year, the President chose not to spend $200 million which was included in the Fiscal Year 2002 emergency supplemental for the U.N. Global Fund to Fight AIDS. it is no surprise that the international community questions our commitment to this fight. Leadership requires more than rhetoric. It requires that we commit our fair share of resources so we can fully participate in a larger, more comprehensive international effort to regain control of this crisis.

I am pleased my colleagues supported this amendment.

AMERICA'S PLACE IN THE WORLD

Mrs. FEINSTEIN. Mr. President, yesterday I gave an address to the World Affairs Council in Los Angeles, CA on America's role in the world. I ask unanimous consent to print my address in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Today America faces four great international challenges: the war on terror, the situation in Iraq, the Israel-Palestinian dispute, and the crisis in North Korea. These four present challenges to our Nation greater than any our Nation has faced in decades.

With respect to the ongoing war on terror, which centers around Osama bin Laden and al-Qaida, I can report substantial progress. The United States with its allies and the Northern Alliance succeeded in dispersing the Taliban government and putting al-Qaida operatives on the run. The government of Hamid Karzai is reasserting control over Afghanistan, although the going is difficult.

The security situation in Afghanistan is improving. We have 7,500 troops on the ground, and our allies, 5,000; they are providing security until the new government of Afghanistan is able to train military and police.

And, as a final action in the last Congress, a new Department of Homeland Security has been created to better coordinate efforts to safeguard the American people from terrorist attacks.

On the negative side, however, Osama bin Laden and many of his senior lieutenants are most probably still alive, along with hundreds, and possibly thousands of followers. They remain extremely dangerous.

And while Mullah Omar and the Taliban have been removed from power, they lurk in the remote areas of Afghanistan along the border with Pakistan and wait for a sign of weakness so they can return.

Bottom line, if we are to be successful in the war on terror, it is critical that Osama bin Laden, Mullah Omar, and other senior Taliban and al-Qaida operatives be brought to justice.

So, we must stay the course in Afghanistan. And wherever the war on terror takes us, we must not allow ourselves to get distracted or take our eye off the ball.

We must ensure that the Afghan economy and infrastructure are rebuilt. We must protect this fledgling democracy so it can survive and the Afghan people can flourish.

Just last week, Paul Wolfowitz, Deputy Secretary of Defense, said from Kabul that ''stability and security'' must be the goal. I agree.

Internationally, we must relentlessly pursue those who would use terror to destroy us. That must be our mission and it must be sustained until the job is finished.

With regard to Iraq, let me begin by saying categorically that no information has been presented to the Senate to date to connect Iraq to 9–11 or to any al-Qaida terrorist attack.

Nevertheless, Vice President Cheney laid the groundwork for a preemptive U.S. military strike against Iraq in a major speech last August 26, stating that Iraq either is, or would imminently be, a nuclear power.

But he provided no evidence to back up this accusation either publicly to the American people or privately, on a classified basis, to the Senate. He was, I believe, laying the ground work for a unilateral and preemptive attack on Iraq.

Then, however, in a welcome shift of position, the President went to the United Nations on September 12 and strongly urged the Security Council to compel Iraqi compliance with the 16 resolutions Iraq has defied over the past 11 years.

The President has repeatedly stated that the United States will lead ''a coalition of the willing'' to compel Iraq's compliance. In September, it appeared that the President had turned away from a unilateral course of action to a multilateral one. That was good and welcome news.

On October 10, I voted for a Senate Resolution that would have required the President to return to the Security Council for a vote before launching a military strike against Iraq. That resolution was defeated.

Subsequently, and based on the President's support for acting in concert with the UN Security Council, I joined 76 of my colleagues and voted to support a resolution authorizing the President to use of force to compel compliance if necessary.

Since November 24, the UN inspection teams have inspected Iraqi facilities that produce chemicals and pharmaceuticals, Saddam's palace compounds, health care centers, water plants, and numerous other facilities where old records, prior inspections, or intelligence indicate chemical, biological or nuclear weapons or missiles might either be made or secreted.

The International Atomic Energy Agency, IAEA, is also in the process of doubling the number of inspectors.

On December 7, Iraq gave the United Nations a 12,000-page account of its chemical, biological, nuclear, and missile programs.

And on December 28, Iraq provided the UN inspectors with the list of Iraqis participating in its weapons programs.

January 27 is a key date. On that day, the findings of the IAEA inspectors will be detailed, and any discrepancies between what they have found thus far and Iraq's earlier declaration should be revealed.

Inspections to date have produced no evidence sufficient to clearly establish continuing culpability in the production of weapons of mass destruction.

However, Iraq is not yet cooperating fully with the UN inspectors as the Security Council demanded. Saddam may well be up to his old tricks, moving weapons or other incriminating evidence from place to place. The history is a sordid one.

If there is clear evidence that Iraq is continuing an illegal program to produce weapons of mass destruction; or has submitted inaccurate or false information regarding its nuclear and biological programs; or has secret programs, facilities, or stockpiles; then the administration should make it public.

And, if there is hard evidence of weapons of mass destruction, then the Security Council must take immediate action to compel compliance, including using force, if necessary. And I would support such action.

But the massive increase of U.S. troops in the Persian Gulf appears to be an indication that regardless of the findings of the UN inspectors the President may well intend to use military force to bring about regime change in Iraq. This is deeply disturbing.

I strongly believe that the arms inspectors must be allowed to complete their task, to report back to the UN Security Council, and the Security Council must then consider action.

In the meantime, Iraq is effectively contained and prevented from developing weapons of mass destruction. It is not an imminent threat to its neighbors or the United States. And there is no need for precipitous action under these circumstances.

A preemptive unilateral attack against a Muslim nation may well create a divide between the U.S. and the Muslim world so deep and wide that it will bring with it negative consequences for decades.

There are efforts being made behind the scenes by Arab nations to achieve a peaceful regime change. These efforts should be given the opportunity to succeed. What is the rush to bring the tragedy of war?

If Iraq can be successfully contained and disarmed and war can be avoided, if the deaths of innocent people can be prevented,

then that must be our course. War must be a last resort.

Let me make a few comments about one additional issue before discussing North Korea: A solution must be found to the Israeli-Palestinian crisis, and soon.

Unfortunately, it has not been, in my view, a high enough priority for the administration. As long as the Israeli-Palestinian crisis escalates, the risks of catastrophe remain unabated. Yet, one of the few things that most Israelis and most Palestinians agree on is that the United States is a unique third party capable of advancing the peace process.

Peace between Israel and the Palestinians is clearly in the U.S. national interest and would produce broader benefits as well: it would increase cooperation in the Islamic world in the war on terror; it would help us secure assistance from the Islamic world in pressuring Saddam Hussein to disarm; and it would restore credibility and momentum worldwide for American diplomacy and influence.

Right after the January 28th Israeli election, I believe President Bush should name a very senior and experienced person to be his personal emissary dealing with the Israeli-Palestinian crisis. The Israeli-Palestinian problem demands more creative and higher-level attention by the United States. It must be solved. Time is running out.

Now, with regard to North Korea I believe the situation is more menacing than that in Iraq. It presents a substantial and real danger to stability throughout the Asia-Pacific region and could ultimately directly threaten the United States.

North Korea possesses a much more advanced nuclear weapons program than Iraq, and it has been assessed that North Korea may already possess nuclear capability.

North Korea also has a missile delivery system, and once the third stage of the Taepo Dong missile is completed and operational, North Korea could strike any place in the United States.

Also, North Korea has: expelled all international inspectors and equipment; withdrawn from the Nuclear Non-Proliferation Treaty; restarted its plutonium processing plants; moved thousands of plutonium rods out of locked safe storage back into the nuclear production line; and is enriching uranium for nuclear weapon purposes.

The country and leadership are isolated, the economy is a failure and even the most basic necessities of life such as electricity, sanitation, and food are lacking. People are now starving by the thousands.

I had the opportunity in December to helicopter to the Demilitarized Zone, DMZ, where General LaPorte, our 4-star general in command, pointed out North Korean troop concentrations: 70 percent of the 1.2 million-man North Korean army is deployed along the DMZ, with enough heavy artillery to be able to substantially damage Seoul, killing millions. And there are reports that nerve agents may also be deployed along the DMZ.

Since my visit in December, the 800,000 forward-deployed North Korean troops have been placed on high alert and are prepared to move instantly.

North Korea, isolated with its failing economy, has clearly placed its total focus, not on feeding its people, but in developing its military, its missiles and its nuclear capability, all in defiance of treaties it has signed.

I believe the blame for precipitating this crisis lies squarely with North Korea, which clearly violated the agreed framework by beginning the surreptitious development of nuclear capacity.

But it also appears clear to me that the administration's handling of events on the Korean Peninsula over the past 2 years, as well as its broader foreign policy rhetoric and statements, have served, ironically, to fuel North Korea's paranoia and made the situation much more difficult to manage.

First, the administration failed to endorse President Kim Dae Jung's ''Sunshine Policy'' when President Kim visited the White House in March 2001. This move was perceived as a major humiliation in South Korea, helped set the stage for the rising tide of anti-Americanism, and was seen as a sign by the North that the administration was intent on a policy of isolation and confrontation.

Second, in January of 2002, the administration issued its Nuclear Posture Review, which states that there are certain situations in which the United States would contemplate and perhaps engage in a first use of nuclear weapons. One of the scenarios in this review included North Korea.

Third, in September 2002 the administration issued its National Security Strategy, which states that the United States reserves the right to strike preemptively, even without an imminent threat, if the administration believes another nation poses a threat to the United States.

And fourth, including North Korea as part of the ''axis of evil'' in the 2002 State of the Union address, along with statements by the President saying that he loathed Kim Jong Il, calling him names, and saying that he deliberately starved his own people, all helped fuel North Korea's paranoia and belligerence.

Meanwhile, one other troubling aspect of the Korean crisis is the growing anti-American sentiment in South Korea.

The new President, Roh Moo Hyun, won the election in an atmosphere of anti-Americanism. And in some quarters, our 37,500 troops stationed there are increasingly unwelcome.

The anti-American sentiment has been galvanized by the accidental deaths of two young Korean girls, run down by a large tank-like tracked vehicle on a narrow road while the girls were walking to a birthday party. A major outcry arose after the two servicemen driving the vehicle were acquitted in U.S. military court on charges of negligent homicide.

The situation on the Korean Peninsula offers no easy solution.

So I am pleased to see that after so many weeks of refusing to negotiate directly, the administration has now opened the door to high level discussions. This is a welcome and imperative change. It is the only acceptable course. And its result may well determine the effectiveness of diplomatic efforts in this crisis.

There must be direct and multilateral discussions between North and South Korea, Japan, China, and Russia as well as the United States. The solution is everyone's business and the responsibility of the leaders of all nations.

Much of what the administration has done since September 11 to safeguard U.S. security interests has been necessary and right. I have supported these efforts.

I believe that the administration has been correct in identifying the threat of the proliferation of weapons of mass destruction, especially if they fall into the hands of terrorists, as one of the top challenges facing U.S. foreign policy.

But in Iraq and North Korea, the administration has been pursuing two very different, and at times contradictory, approaches, which, in the process, has confused and angered many of our closest friends and allies.

With Iraq, the administration is beating the drums of war. With North Korea, it is pursuing multilateral diplomacy and a peaceful resolution of the crisis.

But these two crises are similar in many respects, and thus the question remains: can diplomacy be an effective tool in this new century to stay the ambitions of those states which seek nuclear weapons? Or is the use of force our only recourse?

I believe that the administration's current policy towards North Korea is more likely to produce a peaceful and acceptable outcome than its policy towards Iraq.

If you look at the different approaches to each of these problems alongside the administration's broader foreign policy statements and rhetoric, it is no wonder why serious questions about America's role in the world have been raised both here and abroad.

The administration's emphasis on unilateral action; its dismissal of international law, treaties, and institutions; and its dominant focus on military power as put forward in the Doctrine of Preemption, the rationale for unilateral preemptive attack; the National Security Strategy, which aims to make the United States the preponderant and unchallengeable military power in the world; and the Nuclear Posture Review, which states scenarios in which the United States would engage in a first use of nuclear weapons, even against the non-nuclear states, are particularly troubling.

Taken at face value, these positions mean the United States holds for itself the right to strike another sovereign nation, to wage war, if you will, even in the absence of an immediate threat, but based solely on the perception of a sufficient threat.

Despite administration efforts to downplay the actual wording in these documents, they are, in my view, unnecessarily provocative and dangerous.

I believe now, more than ever, that Teddy Roosevelt had it right, ''walk softly and carry a big stick.''

As a presidential candidate in 2000, George W. Bush spoke eloquently about the need for America to conduct itself with humility in international affairs. I remember him saying during the second Presidential debate on October 11, 2000: ''If we're an arrogant nation, they'll resent us; if we're a humble nation, but strong, they'll welcome us. And our nation stands alone right now in the world in terms of power, and that's why we've got to be humble, and yet project strength in a way that promotes freedom.''

Yet, one of the things I have found in the trips I have made abroad in the past year is that our allies across the globe increasingly believe that the United States is anything but humble.

They feel the United States does not listen to its allies, has shown disregard for treaties and international organizations, and has become increasingly unilateral.

As a result, we have lost much of the good will that followed the 9/11 attacks.

The preeminent position America occupies in the world today rests only in part on our military and economic strength.

In large part, it is also due to our moral influence and our unquenchable quest for truth, justice, and freedom, our belief that ''all (people) are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are life, liberty and the pursuit of Happiness.''

And regardless of whether one views Iraq or North Korea as the bigger threat, one thing they both have in common is that the United States is much more likely to be successful in dealing with them and safeguarding our own national security interests if we are able to act in concert with our friends and allies.

So we stand today at an important decision point in the history of our Nation and the world: Will the United States turn away from the successful bipartisan tradition of

supporting a world ordered by law, and pursue instead a unilateralist path?

Or will we recommit our Nation to the achievement of workable democratic structures, to law and diplomacy, and to constructive leadership that produces coalitions to bring about just solutions?

There may be times, when all else fails, that unilateral American military action will be necessary, and Iraq may be a case in point. However, in my view, that has not been established. War must only be a last resort.

But the spirit of our foreign policy should not be the establishment of American hegemony, any more than we would want to see the establishment of al-Qaida's vision of a new radical fundamentalist Islamic world.

More importantly, I strongly believe that a foreign policy oriented towards cooperation and consultation will, in the long run, prove to be a more effective guarantor of U.S. national security than one of unilateralist impulse and confrontation.

ADDITIONAL STATEMENTS

SEPTEMBER 11 COMMISSION

• Mr. CORZINE. Mr. President, this past November, after extensive discussions, the Congress authorized the establishment of a commission to investigate the event surrounding the September 11 terrorist attacks. This commission should play a critically important role by allowing us to better understand the events surrounding this national tragedy and to better prepare against the threats of similar attacks in the future. The commission's work is also essential for the thousands of families who lost loved ones on September 11, and who want better information about what happened on that fateful day, and who want to ensure that all those responsible are held accountable. These families have suffered tremendous losses and they deserve our support.

I am very concerned, however, that the commission may lack the resources need to do the job right. So far, in defense appropriations bill for Fiscal Year 2003, Congress has appropriated only $3 million for the commission. From all indications, this is grossly inadequate. And if we fail to supplement this with additional funding, we would not only be disgracing the memory of the victims of September 11, but we could be jeopardizing the future safety of all Americans.

Mr. President, in recent days, my staff and I have discussed the operation of this important investigatory commission with several of the appointed commissioners, both Democrats and Republicans. They have explained that the $3 million appropriated so far appears woefully insufficient to meet the commission's anticipated needs this fiscal year. in fact, actual needs for FY2003 probably will exceed $6 million—more than twice the amount approved by the Congress.

Mr. President, the responsibilities of the September 11 commission are much broader than the other commissions and it is simply unreasonable to expect the commission to function effectively with only $3 million. After all, that's a $2 million less than the funding received by a 1996 commission to look into the issues surrounding legalized gambling.

Think about that: $5 million to study gambling, $3 million to study the worst terrorist attack in the history of this country. That simply does not make sense.

Mr. President, it is important to remember that this commission has responsibilities and requirements that go far beyond those of any other commission in U.S. history. There are unique and expensive logistical requirements, including the hiring of expert staff with high-level security clearances. The commission must secure real estate appropriate for top secret discussions, and provide high-level security of its employees and its information systems.

In order to complete the work of this important commission thoroughly and on time, more resources will be needed during this fiscal year, and in the future.

Mr. President, I am hopeful that if the Congress considers a supplemental appropriations bill later this year, that legislation will include needed additional resources for the commission.

In fact, I had prepared an amendment to this bill to increase funding for the commission by $3 million. However, after a conversation with Governor Tom Kean, chair of the commission, I have decided not to introduce my amendment at this time. Rather, I will wait until a formal budget is drawn up by the commission.

I want to assure my colleagues, however, that I will not stop fighting for increased funding for the commission until I am convinced that the September 11 commission has received the funding that it needs to investigate the worst attack on American soil in our history. This matter is simply too important to do anything less.•

MIKE EVANS

• Mr. BAUCUS. Mr. President, I rise to pay tribute to one of the most dedicated public servants and loyal staff members I have had the privilege to work with. Mike Evans has served me with deliberation, dedication, and distinction for 18 years and I, the people of Montana, the United States Senate, and our Nation are the better for it.

Mike began his career as my legislative assistant for tax policy in 1983. As many in this Chamber will recall, that was a time of great debate in the Finance Committee. We had passed a major tax cut in 1981. The following year, a soaring budget deficit was demanding attention. By the time Mike came on board, not only was the Finance Committee dealing with ''revenue raisers,'' to use the language of the day, but tax simplification was the hottest topic on the Finance Committee's agenda. Mike guided me through the controversies with his usual enthusiasm and attention to detail. In fact, he was so impressive that he soon became my legislative director, and expanded his responsibilities to include overseeing my work on the Agriculture and Environment and Public Works Committees.

Perhaps his most significant accomplishment during his time with the EPW Committee was seeing the Clean Air Act of 1990 through the legislative process and into law. I was chairman of the Environmental Pollution Subcommittee then and Mike was my right arm—and sometimes my eyes and ears, too!

Getting that bill through the EPW Committee, the Senate floor, and then conference with the House was an arduous task. But Mike was there all the way. Through the seemingly endless markups, through the backroom negotiations off the Senate floor, and through the midnight conferences with the House, Mike was always ready with the right arguments, the necessary supporting materials, and, most important, his sage advice. That bill was a significant advance in the protection of public health and the cleanup of our environment. Mike's contributions to the bill will be long remembered.

In 1991, the lure of the Preston Gates law firm proved too much and he returned to the firm from whence he came. But when I became chairman of the Environment and Public Works Committee in 1993, I succeeded in luring him back into public service. Mike became my general counsel on the EPW Committee, integrally involved with the reauthorization of the Clean Water Act, the Superfund law, and the Endangered Species Act. We weren't always successful, but Mike provided the legal underpinnings of our efforts.

It is as a lawyer that Mike's true talents show through. He not only masters the statutory construction and case law on any point with ease—or at least so it seems to me—but he is renowned among the staff for his ability to footnote material. I recall on several occasions getting memos from him where there was not a word of the memo on a page. Rather, the page was filled with footnotes. I told him that I appreciated a good footnote or two as much as the next lawyer, but next time he should save them for our opponents.

Mike is respected and admired by his colleagues. He was always willing to spend time with other staff to review legal arguments, provide advice and direction, and sometimes just be a sounding board. I was told that Mike's stature among his peers increased beyond measure when he revealed to the other staff that when reading bill language, subclause two is pronounced ''subclause two'' and not, as was the apparent custom, ''two little eye.''

Mike's attention to detail was perhaps most apparent when it came to the rules. First, he updated the EPW Committee rules and religiously filed

away each application so that the Committee would have a file of precedents on which to refer.

It was in the defense of those EPW Committee rules that Mike became a small legend. In particular, he staunchly defended the Committee rule that prohibited the naming of public buildings for any living individual under the age of 70. But, lest you think Mike is perfect, even his best oratorical skills and most reasoned argument in defense of the rule were never a match for the political imperative involved in a naming bill. Mike lost every single one of those arguments.

When I took over as the chairman of the Senate Finance Committee in 2001, Mike moved over as the Deputy Chief of Staff and General Counsel. Once again, Mike took responsibility for updating the Committee rules and establishing a record of precedents.

Mike not only mastered committee rules, he mastered the Senate rules. On his last day in the Senate, the Senate Parliamentarian noted that Mike was always prepared when he made a parliamentary inquiry. And, for the record, I have to warn the Senate Parliamentarian that Mike prepared comprehensive, annotated references for the Finance Committee staff and provided what is now affectionately known as ''The Mike Evans' Procedure Seminar.''

Ironically, despite his respect of the rules, last year he was thrown off the Senate floor with a bipartisan gaggle of Finance Committee staff for being too noisy. I believe Senator DAYTON presided over the ouster.

I have always respected a person who can manage both the demanding responsibilities of Senate staff while also caring for a growing family. And Mike has certainly done both. We were fortunate to be part of Mike's life as his family expanded from two—he and his wife Maureen—to six, with the addition of their four beautiful children: Sean, Christopher, Aselefech and Adanech. We have watched their children grow up and every step has been a reflection of their incredible parents.

Mike also found time to be one of the best read staffers I have ever known. I have no doubt that his counsel has been greatly strengthened by his acquaintanceship with thoughts and history beyond the reach of a single individual. And his literary interests are not limited to reading. He is a most prolific author. As with most staff, he has done more than his share of floor statements. And as a lawyer, he has drafted the occasional law review article. But his talents also extend to poetry, including the occasional rhyming remembrance of triumphs and things best left unsaid when a staff member departs.

Suffice it to say, Mike fancies himself a music impresario. He feels it is his duty to bring music to ''the people.'' Some of that music is even good. Mike has been known to wear Bob Marley T-shirts in the office over the weekend and sing Bruce Springstein lyrics at the drop of a hat. In fact, when he discovered that one of the Finance Committee interns house-sat for Bob Dylan, the intern was suddenly spending more time in intense discussions with Mike.

Mike truly believes in the dignity and responsibilities of public service. He understands that when it comes to working in the Senate, as Bruce Springstein would say, ''the door's open but the ride ain't free.'' So, while he leaves the Senate staff to return to private practice at Preston Gates, I know that he will retain his commitment to service, to his family, to his colleagues, and to his country.

Every President, every member of Congress, every staff person in the United States Congress must first swear to support and defend the Constitution of the United States against all enemies, foreign and domestic, to bear true faith and allegiance to the same and to faithfully discharge the duties of the office. Mike Evans lived by this oath every day of his public service in the Senate.

Mike follows the rules: The Senate rules. The Committee rules. And the rules by which he lives his life—loyalty, diversity, fairness, honesty, and compassion, coupled with an unexpected, yet sharp sense of humor.

I thank Mike for his dedication and the nearly two decades for which I have been fortunate enough to benefit his counsel and friendship. May we all follow his example, to have the wit to discover what is true and the fortitude to practice what is good.●

POPCORN

● Mr. TALENT. Mr. President, in 1996 the Congress promised agriculture producers that they would no longer be penalized for heeding market signals and raising crops the market demanded.

Two-hundred farmers in my home State of Missouri responded to strong domestic and foreign demand and planted acres of popcorn. Now, with the passage of the 2002 farm bill, these producers are greatly disadvantaged compared to farmers that stayed with traditional program crops.

Under the provisions of the 2002 farm bill, producers who opted to grow popcorn since 1996 on acreage traditionally dedicated to program crops or soybeans are severely penalized if they attempt to update their program acreage history or yield history.

Unless corrected, this will cause a substantial, potential loss to both farm income and land value. I believe that this problem should be corrected in the most expeditious manner, as the April 15 deadline for signup into the new farm programs is quickly approaching. Senator LUGAR and I have introduced an amendment to allow producers to include popcorn in their program base acres. I am grateful to managers on both sides for addressing this issue in a managers amendment.

The correction is simple. Popcorn is simply treated as a variety of the traditional corn for the purposes of determining bases and yields. I urge my colleges to support my amendment and allow the Department of Agriculture to consider popcorn equivalent to corn for the purpose of computing base acreage. There are 278,000 acres of land nationwide normally devoted to production of popcorn. We should not penalize those who farm this land because they believed the promises of the 1996 act. Popcorn growers in Missouri and across the Nation deserve equitable treatment when determining base acres.●

TRIBUTE TO MR. CLAY SWANZY

● Mr. SESSIONS. Mr. President, I want to take a few moments today to make some remarks in appreciation for the Alabama Congressional delegation's most senior staff member, Mr. Clay Swanzy. Originally from Greensboro, AL, one of Alabama's most charming towns, Clay retired in November after 31 years of service to the U.S. Congress.

Mr. Swanzy has served on the congressional staff of three different distinguished Alabama congressmen: former Congressmen Jack Edwards of Mobile and Bill Dickinson of Montgomery, and most recently Congressman TERRY EVERETT of Enterprise. He was known on the staff of each congressman for his hard work, dedication to duty, and loyalty. In 1971, former Congressman Jack Edwards hired Clay away from his position as a political reporter for the Mobile Press Register to become his press secretary in Washington. Clay remained with Congressman Edwards until Congressman Bill Dickinson of Montgomery offered him a position as his chief of staff. In 1993, when Congressman Dickinson retired, Clay remained in Washington as the chief of staff for Dickinson's successor, Congressman TERRY EVERETT.

After managing Congressman EVERETT's office for 10 years, Clay decided to retire from public service in Washington and return to Alabama.

Clay always enjoyed working behind the scenes, outside the glare of the political spotlights. His departure is a loss for the Second Congressional District and the State of Alabama. All who knew and worked with him will miss him.

On more than one occasion I have sought and received good advice from Clay. During his years of service he has learned much. He never panics, and always thinks clearly and with compassion for those involved. He is a strong leader, but one who leads by wisdom, thoughtfulness, insight and grace rather than threats or bluster. The people of Alabama have benefited greatly from his leadership. I, as well as many other government officials, have benefited greatly from his service. Clay has always been a leader among Alabama's delegation staff. They have valued his judgment, insight, and experience.

We will certainly miss Clay, but he has earned his retirement. As proof

that his long tenure in Washington has not turned his head, I am pleased to note that he has chosen to make his retirement home, back in Alabama, in beautiful Baldwin County. Clay, we thank you for your friendship and service and wish you Godspeed.●

IN RECOGNITION OF PEG BRADLEY'S BIRTHDAY

● Mr. CARPER. Mr. President, I rise today in recognition of Peg Bradley upon her fiftieth birthday. She is a woman with a kind heart, diverse interests and great abilities. She is one of the most remarkable people with whom I served in State government. In a State as small as ours, her dedication and tenacity have become legendary. She truly embodies the best of Delaware. I consider it a privilege to have known her and an even greater privilege to have worked closely with her on Delaware's education reforms in the decade of the 1990s.

Just 50 years ago, Peg was born in Kansas to O. Wayne and Wilma Gordon. While her journey to Delaware took her many places in the years preceding it, when she arrived at the University of Delaware in the late 1960s, she found her true home. With her diploma in hand, Peg embarked upon a career that would set the tone for education innovations throughout the State of Delaware and across the Nation.

The proud mother of three children, Kirsten, Carrie and Cort, and the grandmother to 4-year-old Xavier, Peg lives her life through the eyes of children.

While Peg learned and honed her craft teaching elementary school children, she really made her mark when she opened and became the first Director of the Preschool at Concordia Lutheran Church. Then, in 1992, Peg ran for State Representative as a Democrat in the most Republican District in the State of Delaware and won. During her 2 years in the State House, she sponsored legislation that dramatically expanded Head Start opportunities for Delaware youngsters and began drawing attention to the important role that the first few years of a child's life play in their ability to learn and go on to live productive lives.

Peg served as my education adviser during most of my 8 years as Governor. She was instrumental in helping me work my education reform proposals through the legislature, through the education community, and through the public from their infancy to implementation. She worked tirelessly to ensure that the reforms we made reflected what was best for Delaware's children. Today, Delaware has rigorous academic standards, the ability to measure objectively student progress toward those standards, and real accountability, in no small part because of Peg Bradley's stewardship and persistence. Part of her legacy is the consistent improvement in academic performance at all grade levels in Delaware in core subjects like math, English, language arts and science.

Together, along with the support of the legislature, the business community, many parents and educators, we amassed a record of innovative accomplishments, including unprecedented support for charter schools and public school choice; standards-based education, statewide testing and accountability. She even persuaded me to support a public school choice bill written by a certain State Senator named Rick Hauge. Just last week they celebrated their first wedding anniversary.

Peg helped me win battles that seemed daunting. In doing so, she won the grudging respect of more than a handful of cynics along the way. More than almost anyone else, Peg Bradley helped shape the legacy of my administration and change the face of education in Delaware.

Peg was an invaluable advisor, mentor, and resource to me throughout the last decade. She takes pride in her work and has made hundreds of educators and parents proud to work alongside of her. During the time that I was chairman of the National Governors' Association, we focused a good deal of our attention on raising student performance. Peg's assistance to me during that stressful time was invaluable and afforded her with an opportunity to play a significant role on a national stage.

Today, I rise both to celebrate this milestone moment in Peg's life and to shine a spotlight on her momentous commitment and countless contributions to the community. She is living proof that a life filled with good works is a good life indeed. I thank her for her friendship, congratulate her on her first 50 years and wish her and her husband Rick only the very best in the years that lie ahead.●

CHAMPIONS OF GOLF—THE FORD FAMILY

● Mr. HOLLINGS. Mr. President, I want to share with my colleagues an article in Golf Journal about the Ford family from my hometown of Charleston, South Carolina. Since 1927, the Ford family has won a number of golf tournaments including 10 Azalea Invitationals, 10 South Carolina or Carolina Amateur crowns, 20-some city titles and 50 club championships. I am proud to recognize this talented family, and I ask that this article be reprinted in the RECORD.

The article follows:

[From Golf Journal, Jan.–Feb., 2003]

MODEL TEE FORDS

(By Rich Skyzinski)

The Fords of Charleston, S.C., much like the Kennedys of Massachusetts or the Baldwins of Hollywood, have a family tradition. For nearly a century, one generation after another has been reared by a philosophy handed down much like an old family recipe. The motto on the family crest ought to read, If you want to be good at something, play golf.

Role models have never been lacking. If any Ford demonstrated a desire for golf, he or she didn't need to look far for inspiration or instruction. Good golf genes have blessed generations, dating most notably to the second of five men named Frank Cordes Ford. Now 98, Frank Sr. (actually the second FCF) was the most accomplished of the Fords, and he can prove it. He can still rattle off a lot of the stories, in rapid-fire fashion: the games with Bob Jones, Harry (Lighthorse) Cooper, Henry Picard and Craig Wood; how he won a dollar bill (signed and framed) from Horton Smith; the day he one-upped the great Ben Hogan by hitting a 4-wood to within eight inches of the hole after Hogan hit a 3-wood shot to eight feet from virtually the same fairway location.

If ever a forebear set a standard for his progenies to shoot at, it's Granddaddy (Frank Sr.). He made sure any challenger was in it for the long haul. How else could you top his record of seven South Carolina Amateur crowns (and three runner-up finishes), four Azalea Invitational victories, 11 Charleston City titles and 18 Country Club of Charleston championships?

''The Ford family is known, certainly in the city and probably around the state, because of golf,'' says Bert Atkinson, 1991 U.S. Mid-Amateur runner-up and a C.C. of Charleston member. ''I think it's probably always been that way.''

If you are a Charleston golfer, at one time or another, a Ford has beaten you. Since 1927, family members have won 10 Azaleas, 10 South Carolina or Carolinas Ams, 20-some city titles and 50 club championships, give or take a few. An extra room would be needed for all the junior, mid-amateur and team trophies.

How did this all start? Tommy Ford, one of Granddaddy's three sons, claims it was not planned.

''No family ever gets together and says, 'Here is what we're going to do,' '' says the 58-year-old. ''It comes to you; you deal with it. If you become good, you try to live up to it. When you play well, the headlines start to reinforce this idea that you're living up to your dad's records. And all of a sudden you are, not that you ever tried. But you're fulfilling a pattern that started 60 years ago.''

Granddaddy speaks from the other side of the equation. ''I think they saw the fun I got out of golf,'' he allows, ''and maybe some of them wanted to play because they thought it would be fun. Most of them worked pretty hard at it.''

It isn't ''a guy thing,'' either. Granddaddy's mother, Anne (Sissie) Ford, who moved to Charleston following her husband's death in 1918, won the C.C. of Charleston Women's championship in 1927. A year later, she lost in the final to her daughter, Anne Ford Melton.

And family members also are quick to credit Granddaddy's wife, Betsy. She was a caring, nurturing mentor who made the game what it should be for kids: fun. She also was an accomplished player, collecting a half-dozen club championships and two city titles.

Betsy, who died in 1998, and her husband played different roles in advancing the family tradition. She had a deep love for the game and passed it down to scores of youngsters. She helped her three sons and any grandchildren or great-grandchildren who wanted to play the game and was involved in many club and city youth programs. Once a youngster became proficient enough to break 80, Granddaddy would begin to share his passion and try to light their competitive fires.

''I don't remember any pressure or push, other than the brilliance of a mother, who believed that we should know a little about the game at the age we were,'' Tommy says.

''There was a nudge towards lessons during the summer, but it was also, 'Go hunting. Do whatever you want to do' from her.''

Sarah (Mahony) Ford Rijswijk, Frank Jr.'s widow, adds, ''She said, ''If you marry into the Ford family, dear, you'd better play golf.' . . . I thought they were a little nuts because I played tennis. But I took up golf and Betsy was the one who led me into the game. She was the most wonderful teacher. She had a beautiful swing, classic, and was one of the few people I know who was really interested in your game, everybody's game. She really helped everybody. She was the consummate golfer.''

Betsy's favorite classroom was the par-3 11th hole at the Country Club of Charleston. The hole is a classic Seth Raynor design with the green elevated some 10 or 12 feet and sharp drop-offs on each side. Betsy, a.k.a. Granny, would take a youngster to the bottom of the slope in front of the green and show them how to chip with a 7-iron. They would practice that shot over and over until the youngster could bump a shot into the hillside with an artisan's touch.

It's been more than 40 years since Frank III was tutored there by his grandmother but, he says, ''I remember that to this day. She taught me to chip, and I've never chipped with a wedge or a sand wedge like so many guys do. I'm going to grab my 7-iron because that's what she taught me.''

Even if a youngster had only a passing interest in the game, Betsy made her mark. Billy Ford, her middle son, recalls going out for a round with his son, Billy Jr., whom he thought was a novice, but evoked a double take with his confident practice swing on the first tee.

''Where'd you learn that?'' his father asked.

''Granny,'' he replied proudly. ''Granny taught me.''

Betsy rarely commented on any of the youngsters' successes, but they could sense her pride when they did well.

''She could instill desire, which I think is a hard thing to do,'' says Sarah. ''I won my first club championship and I beat her, and I think she was happier about it than I was.''

Granddaddy himself was introduced to the game at age 15, by his mother and an uncle who lived in Canada. But he learned swing basics from a group of African-American caddies in Summerville, S.C. ''They used to say, 'This is how you hold the club. This is the way you stand,' '' he recalls.

He developed a tendency to sway during his backswing instead of pivoting, but there was little anyone could do to change this; after all, the swing worked for him. There was a time when the club's head professional was Henry Picard, later a Masters and PGA Championship winner. Picard had what was considered one of the finest swings in the game, but not even he could convince Granddaddy.

''He said, 'I'm going to get you out of this swaying,' '' he remembers. ''I said, 'Now Henry, listen. Don't try to give me any lessons because you can do whatever you want, but I'm not going to change my swing.''

''He said, 'Okay,' and never again told me how to do it.''

Granddaddy carried that insistence with him to the cement and concrete business. Tommy tells a story of his dad trying to sell a prospective customer cement at 20 cents a bag, only to be told, ''I don't need any cement.'' Ford lowered the price to 15 cents a bag and, receiving the same reply, went to 10 cents and then to a nickel.

''The customer finally said he couldn't afford not to buy it at that price and Dad got a customer for life,'' Tommy concludes. ''He was the same way in golf as in business. He wanted to make every sale, and he wanted to win every time he stepped onto the golf course.''

Granddaddy confined most of his playing to a local and regional level because he had a business to run. He qualified for the only U.S. Amateur he entered, in 1934 at The Country Club in Brookline, Mass., losing in the third round. He played until he was 90, then gave away his clubs one day after he shot 45 for nine holes. Atkinson, who played with him that day, remembers the exchange afterward.

''I said, 'That's pretty good playing, Mr. Ford.''' Atkinson says. ''He put his arm around me and said, 'Yeah, but if I was 30 years younger I would have beaten you guys butt good.'''

None of Granddaddy's three sons were as passionate about the game as their father. Tommy blossomed into an accomplished player later in life, with seven club championships and a handful of senior titles. Billy was a good junior player and captain of the University of North Carolina golf team in 1953, but hasn't competed much since. Frank Jr., who died at age 44 in a 1974 Eastern Airlines plane crash, played little competitive golf.

If the old man's competitive fires were passed down, most of them found their way to Frank III, who has qualified for nearly a dozen U.S. Amateurs and four U.S. Mid-Amateurs, and his son, Cordes (Frank Cordes Ford IV), a 26-year-old law student at the University of South Carolina with his own collection of trophies. In 1996, Cordes completed a rare double when he won the Carolinas Amateur a week after Frank III took the state am. ''They're the two that have the desire to go out there,'' says Sarah, ''They want to win.''

By contrast, Billy says, ''I'm not trying to win anything anymore, just have a nice golf day.''

Which isn't to say the patriarch's presence has not been felt. Billy once was about to close out a match at Biltmore Forest Country Club in Asheville, N.C., when Granddaddy came up to him, put his arm around the teenager and said, ''Son, this is where I won my war bond.''

''Everything's fine. I've got 20 feet for birdie, but I got it back to here,'' says Billy, imitating a putting stroke, ''and just locked; couldn't move it. It exploded in my hand, went past the hole about 15 feet. I three-putted that, snap-hooked it on 16, hit a limb coming out of the woods on 17. Before I knew it, I went from 5 up with five to play to 1 up with one to play. It's funny now, but I was in tears then.''

Because of the family's countless successes, there's an assumption throughout the Carolinas that Fords should be accomplished players simply because of their last name.

''I felt like I was supposed to play better than whatever I did,'' says Billy. ''There was certain pressure on me, sure.''

Tommy, who's a decade younger than his brother, adds: ''Your identity is golf, because you grew up seeing golf and that's what you gravitated to. But I maintain you do the best you can for your own expectations, not necessarily for this family tradition thing. I never wanted to win tournaments to extend my father's streak.''

Tommy is said to have the best swing in the family. People in Charleston often call him ''sweet-swingin' Tommy Ford. ''

''The 'sweet-swingin' does not always live up to people's expectations,'' he says. ''They know I'm Frank Ford's son so they think I am good. They remember what you've accomplished. You carry that expectation with you more so because of Daddy, Billy, Frank—the trickle-down effect of the background of winning. People view us as winners because that's what they remember Daddy doing, Frank doing, Billy doing. They expect us to be hard to beat. That's a little bit difficult sometimes.''

Frank III's sister, Anne Ford Strickland, lived near Winston-Salem, N.C., for years and says the difference in the pressure she felt was palpable. ''I never felt anything up there,'' she insists. ''Part of it may have been because I had my married name. people didn't know me by Ford.''

The Fords have never called attention to their exploits. Sometimes, even family members are unaware of them. Anne played in a C.C. of Charleston girls' program with Beth Daniel, who went on to become an LPGA Hall of Famer and a favorite of Anne's son David. Looking through Anne's scrapbooks, David came upon a newspaper clipping about his mom's victory over Daniel in a junior club championship in the mid-1960s.

''You beat Beth Daniel?'' he asked, eyes widening.

What do you expect? She is a Ford.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–711. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System; Identification and Listing of Hazardous Waste, Final Exclusion (FRL7432–8)'' received on January 6, 2003; to the Committee on Environment and Public Works.

EC–712. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Interim Approval of the Alternative Permit Program; Territory of Guam (FRL743–5)'' received on January 6, 2003; to the Committee on Environment and Public Works.

EC–713. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; The District of Columbia; Control of Emission from Emissions from Existing Hospital/Medical/ Infectious Waste Incinerator (HMIWI) Units (FRL7434–7)'' received on January 6, 2003; to the Committee on Environment and Public Works.

EC–714. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; the District of Columbia, and the City of Philadelphia, Pennsylvania; Control of Emission from Existing Municipal Solid Waste Landfills (FRL7434–9)'' received on January 6, 2003; to the Committee on Environment and Public Works.

EC–715. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware, the District of Columbia, and Philadelphia, Pennsylvania; Control of Emissions from Existing Commercial/Industrial Solid Waste (CISWI) Incinerator Units (FRL7434–3)'' received on January 6, 2003; to the Committee on Environment and Public Works.

EC–716. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutant; Delaware, the District of Columbia, Allegheny County and Philadelphia, Pennsylvania; Control of Emissions from Existing Small Municipal Waste Combustion Units (FRL7434–5)'' received on January 6, 2003 ; to the Committee on Environment and Public Works.

EC–717. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''TSCA Inventory Update Rule Amendments (FRL6767–4)'' received on January 6, 2003; to the Committee on Environment and Public Works.

EC–718. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Process for Exempting Quarantine and Preshipment Applications of Methyl Bromide (FRL7434–1)'' received on January 6, 2003; to the Committee on Environment and Public Works.

EC–719. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research—Alternative Financing Program'' received on January 8, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–720. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''HHS exchange visitor Program; Request for waiver of the two year Foreign Residence Requirement (0991–AB21)'' received on December 17, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–721. A communication from the Director, Policy and Research, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age'' received on January 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–722. A communication from the Director, Policy and Research, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminates Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on January 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–723. A communication from the Director, Policy and Research, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Disclosure to Participants; Benefits Payable in Terminated Single-Employer Plans'' received on January 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–724. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Reclassification of the Absorbable Polydioxanone Surgical Suture (Doc. No. 99P–5589)'' received on January 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–725. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Bioavailability and Bioequivalence Requirements; Abbreviated Applications; Final Rule (RIN0910–AC47)'' received on January 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–726. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a rule entitled ''Privacy Act Regulations'' received on January 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–727. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report entitled ''Annual Reports for Fiscal Years 1996–1998 and 1999–2001'' received on January 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–728. A communication from the Secretary of Education, transmitting, pursuant to law, the report entitled ''National Advisory Committee on Institutional Quality and Integrity Annual Report Fiscal Year 2002'' received on January 10, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–729. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the report entitled ''Federal Housing Finance Board Office of the Inspector General Semiannual Report for the period April 1, 2002–September 30, 2002''; to the Committee on Governmental Affairs.

EC–730. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report entitled ''Inspector General's Report to Congress and Management's report for the period ended September 30, 2002'' received on January 10, 2002; to the Committee on Governmental Affairs.

EC–731. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Semiannual Report of the Inspector General of the Department of Education in the period ending September 30, 2002; to the Committee on Governmental Affairs .

EC–732. A communication from the Director, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report relative to internal management controls during fiscal year 2002; to the Committee on Governmental Affairs.

EC–733. A communication from the President, United States Institute of Peace, transmitting, pursuant to law, the report relative to Consolidated Financial Statements and Additional Information pursuant to the Inspector General Act of 1978; to the Committee on Governmental Affairs.

EC–734. A communication from the Inspector General, Department of the Interior, transmitting, pursuant to law, the report of the Fiscal Year 2002 Inventory of Commercial Activities, received on January 10, 2003; to the Committee on Governmental Affairs.

EC–735. A communication from the Inspector General, General Services Administration, transmitting, pursuant to law, the Audit Report Register for the period ending September 30, 2002, received on January 10, 2003; to the Committee on Governmental Affairs .

EC–736. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of the Inspector General's Semiannual Report to Congress for the period ending September 2002, received on January 10, 2003; to the Committee on Governmental Affairs .

EC–737. A communication from the Chairman, National Science Board, transmitting, pursuant to law, the Semiannual report of the Inspector General of the National Science Board covering activities for the period of April 1, 2002 through September 30, 2002, received on January 2, 2003; to the Committee on Governmental Affairs.

EC–738. A communication from the Director of Engineering, Maintenance and Operations, The American Battle Monuments Commission, transmitting, pursuant to law, the report relative to the activities for Fiscal Year 2002; to the Committee on the Judiciary.

EC–739. A communication from the Chairman, Dwight D. Eisenhower Memorial Commission, transmitting, pursuant to law, the report relative to the activities of the Commission's first year of activity; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–7. A resolution adopted by the General Assembly of the State of Pennsylvania relative to cancer and biomedical research; to the Committee on Finance.

HOUSE RESOLUTION NO. 668

Whereas, Cancer is a leading cause of morbidity and mortality in the Commonwealth of Pennsylvania and throughout the nation; and

Whereas, Cancer is disproportionately a disease of the elderly, with more than half of all cancer diagnoses occurring in persons 65 years of age or older, who are thus dependent on the Medicare program for provision of cancer care; and

Whereas, Treatment with anticancer drugs is the cornerstone of modern cancer care, and elderly cancer patients must have access to potentially life-extending drug therapy, but the Medicare program's coverage of drugs is limited to injectable drugs or oral drugs that have an injectable version; and

Whereas, The nation's investment in biomedical research has begun to bear fruit with a compelling array of new oral anticancer drugs that are less toxic, more effective and more cost-effective than existing therapies, but because such drugs do not have an injectable equivalent, they are not covered by Medicare; and

Whereas, Noncoverage of these important new products leaves many Medicare beneficiaries confronting the choice of either substantial out-of-pocket personal costs or the selection of more toxic, less effective treatments that are covered by the program; and

Whereas, Medicare's failure to cover oral anticancer drugs leaves at risk many beneficiaries suffering from blood-related cancers like leukemia, lymphoma and myeloma, as well as cancers of the breast, lung and prostate; and

Whereas, Certain members of the Congress of the United States have recognized the necessity of Medicare coverage for all oral anticancer drugs and introduced legislation in the 107th Congress to achieve that result (H.R. 1624; S. 913): Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania respectfully urge the Congress to adopt legislation requiring the Medicare program to cover all oral anticancer drugs; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, members of the Congress, the Secretary of Health and Human Services and the Administrator of the Centers for Medicare and Medicaid Services.

POM–8. A resolution adopted by the General Assembly of the State of Pennsylvania relative to memorializing September 11 as ''National Day of Life Appreciation and Freedom.''; to the Committee on Governmental Affairs.

HOUSE RESOLUTION NO. 685

Whereas, The terrorist atrocities of September 11, 2001, against United States landmarks and citizens have united our nation in grief, remembrance and respect for the freedoms we enjoy; and

Whereas, The Congress of the United States convened in special session at Federal Hall in New York City on September 6, 2002, to honor victims of the terror attacks and demonstrate national unity; and

Whereas, Americans and citizens around the globe marked the first anniversary of the terror attacks in public ceremonies, including reading the names of victims at Ground Zero, and through private observances and spontaneous tributes; and

Whereas, Despite the shock and loss of the attacks, survivors, witnesses and bereaved family members pursue the work of rebuilding their lives and creating appropriate memorials to honor the dead; and

Whereas, In the face of continued threats against us, public officials endeavor to safeguard our communities and our democracy; and

Whereas, Our strength rests in the continuity of our national life and the inherent resilience which enabled recovery from other painful events in our history and empowers our progress toward a safe, peaceful and stable future for our children: therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress to declare September 11 as ''National Day of Life Appreciation and Freedom''; and be it further

Resolved, That copies of this resolution be transmitted to the President, the Presiding Officers of each House of Congress and each member of the Congress.

POM–9. A resolution adopted by the Legislature of the State of California relative to retirement security and savings; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 6

Whereas, It has become increasingly apparent that many working individuals face challenges that make it difficult for them to maximize their retirement savings and plan adequately for their retirement; and

Whereas, Current law could be amended to encourage and facilitate increased retirement savings and retirement planning; and

Whereas, The 106th Congress considered H.R. 1102, the Retirement Security and Savings Act of 2000, which subsequently failed passage; and

Whereas, The Retirement Security and Savings Act of 2000 would have increased the amount of deductible contributions workers could make each year to an Individual Retirement Account, commonly known as an IRA, with special accelerations allowed for individuals 50 years of age and older; and

Whereas, The Retirement Security and Savings Act of 2000 would have increased the dollar limit on deductions for participation in tax-deferred retirement plans, tax-sheltered annuities, and deferred compensation plans under Sections 401(k), 403(b), and 457 of Title 26 of the United States Code; and

Whereas, The Retirement Security and Savings Act of 2000 would have repealed the laws that require the coordination of contributions to a plan under Section 457 of Title 26 of the United States Code with contributions to other such plans; and

Whereas, The Retirement Security and Savings Act of 2000 would have revised and clarified existing law to enhance pension fairness for women; and

Whereas, The Retirement Security and Savings Act of 2000 would have increased pension portability by allowing distributions from IRAs, tax-deferred retirement plans, tax-sheltered annuities, and deferred compensation plans under Sections 401(k), 403(b), and 457 of Title 26 of the United States Code to be rolled over to other plans or arrangements, including a surviving spouse's plans or arrangements; and

Whereas, The Retirement Security and Savings Act of 2000 would have allowed a participant in a state or local government plan to exclude from gross income certain direct transfers of funds if they were used to purchase permissive service credits under the plan or to repay certain contributions: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully requests that the President of the United States and the Congress of the United States enact legislation containing provisions similar to the Retirement Security and Savings Act of 2000; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the Senate, and each Senator and Representative from California in the Congress of the United States.

POM–10. A resolution adopted by the Legislature of the State of California relative to forest resources; to the Committee on Energy and Natural Resources.

ASSEMBLY JOINT RESOLUTION NO. 25

Whereas, California is blessed with 40 million acres of forests that provide economic, consumer, environmental, and aesthetic benefits indispensable to our quality of life; and

Whereas, Preservation of those forestlands for fish and wildlife habitat, recreation, water quality, and open-space uses is a priority for all Californians and depends upon good forest management practices to ensure sustainable forests; and

Whereas, Good forest management integrates the nurturing, sustainable harvesting, and replanting of forests and conservation of soil, air, water, wildlife, fish habitat, and aesthetics; and

Whereas, Approximately 85 percent of California's water originates in forested watersheds; and

Whereas, Good Forest management requires cooperation among landowners, forest products enterprises, scientists, government, forest residents and visitors, and consumers of wood products; and

Whereas, 16 million acres of California forests contain productive forestlands available to provide a sustainable supply of building materials, paper, furniture, medicines, and other important products; and

Whereas, Forest-based enterprises have been an important component of California's economy for more than 150 years, supporting jobs, families, businesses, and entire rural communities throughout the state while providing significant tax revenues to government; and

Whereas, California was the first state to establish a multiagency, discretionary environmental review and approval process for timber harvesting on private lands in the United States; and

Whereas, Wood, a readily available and commonly used building product that is renewable, recyclable, reusable, and biodegradable, is critical to society's ability to meet the public's demand for housing; and

Whereas, Forest-based enterprises and professionals agree that they have a responsibility to be good stewards of the environment and are committed to continuing to improve upon modern, scientifically sound approaches that ensure maximum conservation and renewal of our forests: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California recognizes the important role that sustainably managed forests and products from those forests will continue to play in meeting the needs of the citizens of California; and be it further

Resolved, That the Legislature encourages good forest practices to ensure the conservation, maintenance, and enhancement of a productive and stable forest environment that protects water quality, wildlife resources, and rural communities; and be it further

Resolved, That the Legislature confirms its support for economically and environmentally sound management practices that ensure the sustainability of our forests as well as future supplies of essential products for our forests; and be it further

Resolved, That the Legislature memorializes the Congress to similarly declare its encouragement of public and private investment in economically and environmentally sound management practices that ensure sustainable forests for the benefit of present and future generations; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–11. A resolution adopted by the Legislature of the State of California relative to labor negotiations by California waterfront workers; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 37

Whereas, California ports are a crucial part of the global and local economies, and the labor negotiations that concern their operations are closely watched by businesses and governments; and

Whereas, The jobs in California ports are of high quality, due to agreements that have been negotiated over the last fifty year by the Pacific Maritime Association (PMA) and organized labor; and

Whereas, The legal, established collective bargaining process, including the right to strike, is a right of the waterfront union members under the National Labor Relations Act of 1935; and

Whereas, The Bush administration has announced, through Department of Labor officials, that it may invoke a national economic emergency in order to forestall a strike under the Taft-Hartley Act, or may use the National Guard to prevent such a strike; and

Whereas, The use of this power, or even the announcement of the intentions to use it, will and has upset what has been, up until now, a level playing field between management and labor: Now therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California opposes any action by the President and the administration that would impose a Taft-Hartley injunction against waterfront unions, would remove union workers from coverage by the National Labor Relations Act, or would send military personnel to the West Coast docks to assist in a lockout of waterfront union workers; and be it further

Resolved, That the Chief Clerk of the Assembly transit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–12. A resolution adopted by the Legislature of the State of California relative to airport security workers; to the Committee on Commerce, Science, and Transportation.

ASSEMBLY JOINT RESOLUTION NO. 39

Whereas, The Aviation and Transportation Security Act (Public Law 107–71) established the Transportation Security Administration within the Department of Transportation, to be administered by the Under Secretary of Transportation for Security; and

Whereas, Under the act, the Under Secretary is responsible for day-to-day security screening operations for passenger air transportation, including the screening of passenger baggage; and

Whereas, Under the act, the Under Secretary is responsible for developing standards for the hiring, training, testing, and retention of security screening personnel; and

Whereas, Under the act, the qualification standards require that security screeners be citizens of the United States; and

Whereas, The Under Secretary assumed responsibility for airport security on February 19, 2002, and all security screening personnel that are not United States citizens will be terminated by November 19, 2002; and

Whereas, A large percentage of security screening personnel at several airports in California are not United States citizens; and

Whereas, In the bay area alone, approximately 1,200 security screeners, most of whom are of Filipino descent, will lose their jobs as a result of the requirement that security screeners must be United States citizens, with no demonstrable showing that this will improve safety or security; and

Whereas, The vast majority of security screeners that are not citizens of the United States are legal immigrants from nations that have long been friends or allies of the United States and their countries having fought alongside our soldiers during wartime; and

Whereas, The vast majority of security screeners that are not citizens of the United States have either applied for citizenship or are prevented from applying for citizenship as a result of punitive immigration policies; and

Whereas, Immigrant security screeners are not to blame for the September 11, 2001, disaster, and punitive action against those immigrants who are not a security risk creates and inflames ill feelings for this country abroad: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States to suspend or eliminate the requirement that security screeners be citizens of the United States, and instead provide that those individuals must meet the same immigration requirements as persons who serve in the National Guard; and be it further

Resolved, That the President and the Congress should act to ensure that any legal immigrant that has applied for citizenship should be allowed to keep his or her security screening job, absent evidence showing that they are a security or criminal risk; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–13. A resolution adopted by the Legislature of the State of California relative to federal proposal to devolve the administration of the unemployment insurance system; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 42

Whereas, Unemployment insurance has been the bedrock of the social safety net for workers who have been laid off and are seeking jobs and is the first line of defense during economic downturns; and

Whereas, Unemployment insurance not only provides vital income support to laid off workers, but also stabilizes the local, state, and national economies because the benefits workers receive are invested back into the community; and

Whereas, President Bush's proposal would destroy the federal-state partnership on which the unemployment insurance system is founded and would eliminate the historic role of the federal government in both ensuring that administrative financing keeps pace with ever-changing workload needs and assuring that the program is implemented consistently across the country; and

Whereas, Although the administration proposes to provide much-needed additional ''Reed Act'' funding for state unemployment programs, under the proposal states would receive no federal aid to fund the administrative costs of the unemployment insurance system after 2006; and

Whereas, President Bush's proposal would reduce federal administrative payments that will result from the reduction in the Federal Unemployment Tax Act (FUTA) flat tax from $56 per worker per year to $14 per year; and

Whereas, This proposal would force California to raise taxes or find other state general funds to administer the unemployment insurance program; and

Whereas, President Bush's proposal would jeopardize the federal government's ability to help our state respond to economic downturns by drastically reducing the funding now dedicated to the federal unemployment trust funds; and

Whereas, The federal proposal would do nothing to help states cope with the challenges of expanding and modernizing their unemployment insurance systems, including ensuring that more low-wage workers are covered when they become unemployed; Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California urges the President and Congress of the United States to abandon the federal proposal to devolve the administration of the unemployment insurance system. The Legislature also urges the President and Congress of the United States to instead work with the state to ensure that the state receives a greater level of workload-based federal appropriations for administrative financing, and to provide new dedicated federal funding to help the state cover the workers who are now having the most difficulty collecting unemployment benefits; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the President of the United States and to each Senator and Representative from California in the Congress of the United States.

POM–14. A resolution adopted by the Legislature of the State of California relative to veterans; to the committee on Veterans' Affairs.

ASSEMBLY JOINT RESOLUTION NO. 50

Whereas, The United States presently has a population of over 25 million veterans from its previous wars. The majority of that veteran population is from World War II and the Korean War; and

Whereas, The World War II and Korean War veteran population is presently over 70 years of age, and that group is passing away at the rate of 1,000 veterans per day; and

Whereas, The United States government has acknowledged its responsibility to provide medical care or compensation for medical problems, as well as other benefits, to those veterans who served their country in time of war; and

Whereas, The United States Department of Veterans Affairs is charged with administering the federal benefits program for veterans; and

Whereas, When a veteran passes away with a claim pending against the Department of Veterans Affairs, the claim essentially ends with the veteran's passing regardless of how long the claim had been pending; and

Whereas, Dying while waiting is unacceptable for American veterans; and

Whereas, There presently exists a backlog of over 601,000 claims submitted by veterans. This backlog has persisted for several years, with some claims outstanding for one year or more; and

Whereas, A significant portion of these claims involve World War II and Korean War veterans, and despite determined efforts by the United States Department of Veterans Affairs to eliminate this backlog, the backlog continues; and

Whereas, There exists a trained group of individuals known as county veterans service officers located in 37 of the 50 states, representing 700 counties and a workforce of over 2,400 full-time local government employees; and

Whereas, These county veterans service officers were established in 1945 after World War II for the purpose of helping returning veterans reenter civilian life, and have continued to do so for all veterans of all wars since then; and

Whereas, These county veterans service officers are highly trained individuals who have continued to provide assistance to all veterans for over 50 years and are already familiar with the United States Department of Veterans Affairs claims policies and procedures; and

Whereas, For example, in California, county veterans service officers annually assist California's veterans obtain monetary benefits in excess of $150 million by assisting these veterans in filing over 50,000 claims annually with the United States Department of Veterans Affairs; and

Whereas, This claims processing backlog needs to be urgently reduced while our World War II and Korean War veterans are still with us; and

Whereas, The United States Department of Veterans Affairs could enter into a partnership with state and local governments to utilize these highly trained county veterans service officers to eliminate the present claims processing backlog, by expanding the county veterans service officers' role; and

Whereas, This would be a cost-effective way of reducing the claims processing backlog by eliminating the need for a substantial increase in federal employees; and

Whereas, These county veterans service officers, as represented by the California Association of County Veterans Service Officers and the National Association of County Veterans Service Officers, have offered to assist the United States Department of Veterans Affairs in exchange for block grants to the various states based upon each state's veteran population to compensate county veterans service officers for their expanded role: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California urges the Congress of the United States and the President to support and enact legislation that would establish a federal/state partnership to use the knowledge and skills of the local county veterans service officers to assist the United States Department of Veterans Affairs in eliminating the veterans claims processing backlog in order that America's veterans can take advantage of the benefits that the United States has authorized for them for their faithful and loyal service to a grateful nation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–15. A resolution adopted by the Legislature of the State of California relative to a national memorial; to the Committee on Energy and Natural Resources.

ASSEMBLY JOINT RESOLUTION NO. 52

Whereas, On September 11, 2001, United Airlines Flight 93 while en route to San Francisco with 40 passengers and crew aboard was hijacked by terrorists; and

Whereas, The passengers and crew on the flight, understanding that the intention of the hijackers was to fly the plane into a target in the nation's Capitol, consulted with each other and their families about what action to take; and

Whereas, The passengers moved to stop this heinous act of terrorism, even at the cost of their lives, in an act of extraordinary bravery and self-sacrifice that resulted in the fatal crash of Flight 93 in Somerset County, Pennsylvania; and

Whereas, The passengers and crew, some of whom were California residents, will forever be remembered and are memorialized in this resolution. The crew included: Jason Dahl, Leroy Homer, Jr., Lorraine G. Bay, Sandra W. Bradshaw, Wanda A. Green, Ceecee Lyles, and Deborah Ann Jacobs Welsh. The passengers included: Christian Adams, Todd Beamer, Alan Beaven, Mark Bingham, Deora Bodley, Marion Britton, Thomas E. Burnett, Jr., William Cashman, Georgine Rose Corrigan, Patricia Cushing, Joseph Deluca, Patrick ''Joe'' Driscoll, Edward Porter Felt, Jane C. Folger, Colleen L. Fraser, Andrew Garcia, Jeremy Glick, Lauren Grandcolas, Donald F. Greene, Linda Gronlund, Richard Guadagno, Toshiya Kuge, Hilda Marcin, Waleska Martinez, Nicole Miller, Louis J. Nacke II, Donald A. Peterson, Jean Hoadley Peterson, Mark ''Mickey'' Rothenberg, Christine Snyder, John Talignani, Honor Elizabeth Wainio and Kristin Gould White; and

Whereas, Legislation (H.R. 3917) has been introduced to designate the crash site as a National Memorial that will honor the final resting place of the people of Flight 93 who were courageous and heroic in giving their lives to bring down the airplane. The legislation reads, in part, ''the crash site is a profound symbol of American patriotism and spontaneous leadership of citizen-heroes''; and

Whereas, The designated National Memorial will honor the heroism of the Californians who were among the passengers and crew, demonstrating our commitment to the families, friends, neighbors, and colleagues of the victims that the legacy of their loved ones will endure for generations; and

Whereas, The National memorial will remind future generations of the unmatched courage of those aboard Flight 93 and inspire the nation to work for a world at peace and free of terrorism: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California requests the Congress and President of the United States to enact H.R. 3917 to designate a National Memorial at the crash site of Flight 93 in Somerset County, Pennsylvania to pay tribute to and honor the true heroes of this nation; and be it further

Resolved. That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–16. A resolution adopted by the Legislature of the State of California relative to the Temporary Assistance for Needy Families (TANF) program; to the Committee on Finance.

Whereas, The United States Congress must reauthorize the Temporary Assistance for Needy Families (TANF) program by October 1, 2002; and

Whereas, States are achieving success under TANF because states have the flexibility to design appropriate, effective programs that move people into work and support vulnerable children. Under TANF, California has decreased families' dependence on welfare, increased work rates and wages, and improved the well-being of children; and

Whereas, Welfare reauthorization should help states like California build on their unprecedented success at moving people off welfare; and

Whereas, Devolution was a core principle in welfare reform. The TANF block grant allows each state to design the most effective and appropriate programs for moving families from welfare to work. Under TANF, California welfare recipients are working more hours than ever before and California has nearly tripled the number of welfare recipients who are working; and

Whereas, The flexibility offered in current federal law has permitted California to make the well-being of children its highest priority. Under current federal law, California ensures that poor children have a basic level of subsistence, regardless of their parents' immigration status or ability to meet participation requirements; and

Whereas, Current federal law supports the fact that different strategies are needed for families facing different barriers to work. Today, California's counties develop welfare-to-work plans, work program, and participation requirements that are tailored to each family's unique circumstances. Current federal law permits California's counties to develop programs that are sensitive to state and country labor markets and employment rates; and

Whereas, Since 1997, when the TANF program was created, the value of the TANF block grant has significantly diminished due to inflation. If TANF funding continues at current levels, the inflation-adjusted value of the block grant in 2007 would be approximately 22 percent less than its original value in 1997; and

Whereas, California is using all of its TANF block grant, yet faces a projected shortfall in its TANF program. At the same time, California faces a budget deficit of $24 billion, increasing the importance of adequate federal funding; and

Whereas, Child care is central to states' efforts to move families into work. Under TANF, states have helped many parents find and keep jobs, secure child care, and overcome personal barriers to work. As work participation requirements rise, so must state resources to meet families' corresponding child care needs; and

Whereas, Despite states' success in moving many families off welfare, many families still on aid have numerous and complex barriers to joining the workforce. States want to move these families into work as quickly as possible, but recognize that families with difficulties, such as domestic violence, learning disabilities, and mental illness, must receive supportive services to address these barriers to work; and

Whereas, California is currently being penalized by the federal government for failure to implement a statewide automated child support system due to system failure on the part of the project's original vendor. California has paid nearly $300 million in penalties from the state's General Fund and, upon completion of the statewide automation system, will pay total penalties of approximately $1.3 billion. California has entered into a corrective action plan with the United States Department of Health and Human Services and is in full compliance with the plan; and

Whereas, Federal child support automation penalties have served the important purpose of capturing the attention of California and have resulted in significant restructuring to establish a reliable approach to securing a statewide automated child support system; and

Whereas, Governor Davis and the California Legislature have made a strong commitment to improving the state's child support program that has resulted in historically high levels of child support collections: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That to build on the success of welfare reform, in reauthorization of the TANF program, the California Legislature urges federal policymakers to maintain state flexibility to spend TANF funds. Given states' demonstrated success using this flexibility, this central premise of welfare reform should not be compromised in welfare reauthorization; and be it further

Resolved, In TANF reauthorization, the California Legislature urges federal policymakers to maintain state flexibility to provide a safety net to vulnerable children; and be it further

Resolved, In TANF reauthorization, the California Legislature urges federal policymakers to maintain state flexibility to design the most effective ways to move people into work. State flexibility in designing work programs should not be compromised in welfare reauthorization; and be it further

Resolved, In TANF reauthorization, the California Legislature urges federal policymakers to adjust the TANF block grant for inflation. Freezing the TANF block grant at current levels is not adequate to maintain even current program levels because inflation has eroded the value of the block grants. Welfare reauthorization is an opportunity for the federal government to address this funding inadequacy; and be it further

Resolved, In TANF reauthorization, the California Legislature urges federal policymakers to recognize states' needs to provide ongoing supportive service. Welfare reauthorization should help states provide child care and supportive services, as they are substantial defenses in permanently keeping families off welfare; and be it further

Resolved, In TANF reauthorization, the California Legislature urges federal policymakers to base the year on which the federal child support automation penalties are assessed to the 1997–98 fiscal year, the year prior to penalties first being imposed. This

will ensure that states do not incur additional penalties because of increased investments in the administration of their child support programs; and be it further

Resolved, In TANF reauthorization, the California Legislature urges federal policymakers to give states the option to reinvest federal child support automation penalties back into their child support programs and automation efforts. This will ensure that states continue to concentrate on the deficiencies that contribute to automation implementation delays and subsequent penalties; and be it further

Resolved, In TANF reauthorization, the California Legislature urges federal policymakers to simplify the child support distribution rules to allow more money to reach families while also reducing California's system procurement cost and assisting in an earlier completion of the stateside automated system.

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–17. A resolution adopted by the New Jersey State Senate relative to medicare program providing coverage for all anti-cancer drugs; to the Committee on Finance.

SENATE RESOLUTION NO. 65

Whereas, Cancer is a leading cause of morbidity and mortality in New Jersey and throughout the nation; and

Whereas, Cancer is disproportionately a disease of the elderly, with more than half of all cancer diagnoses occurring in persons 65 years of age or older, who are dependent on the federal Medicare program for provision of cancer care; and

Whereas, Treatment with anti-cancer drugs is the cornerstone of modern cancer care and elderly cancer patients must have access to potentially life-extending drug therapy, but the Medicare program's coverage of drugs is limited to injectable drugs or oral drugs that have injectable version; and

Whereas, The nation's investment in biomedical research has begun to bear fruit with a compelling array of new oral anticancer drugs that are less toxic, more effective and more cost-effective than existing therapies but, because these drugs do not have an injectable equivalent, they are not covered by the Medicare program; and

Whereas, Non-coverage of these important new products leaves many Medicare beneficiaries confronting the choice of either substantial out-of-pocket personal costs or selection of more toxic, less effective treatments that are covered by the program; and

Whereas, Medicare's failure to cover oral anti-cancer drugs leaves at risk many beneficiaries who suffer from blood-related cancers such as leukemia, lymphoma and myeloma, as well as cancers of the breast, lung and prostrate; and

Whereas, Certain members of the United States Congress have recognized the necessity of Medicare coverage for all oral anticancer drugs and have introduced legislation in the 107th Congress to achieve that result, namely, H.R. 1624 and S. 913: Now, therefore, be it

Resolved by the Senate of the State of New Jersey.

1. This House respectfully memorializes the Congress of the United States to adopt legislation requiring the Medicare program to cover all oral anti-cancer drugs.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary of the Senate, shall be transmitted to the President of the United States, the Secretary of Health and Human Services of the United States, the Administrator of the Centers for Medicare and Medicaid Services, the presiding officers of the United States Senate and the House of Representatives, and each of the members of the Congress of the United States elected from the State of New Jersey.

POM–18. A resolution adopted by the Pennsylvania House of Representatives relative to projected State revenue shortfall for fiscal year 2003–2004; to the Committee on Finance.

HOUSE RESOLUTION NO. 694

Whereas, The Commonwealth of Pennsylvania anticipates a $1.8 billion revenue shortfall for the 2003–2004 fiscal year due to the economic downturn, which could rise substantially due to additional State costs for homeland security and the loss of other State revenues due to tax cut provisions included in Federal economic stimulus legislation; and

Whereas, Because of the loss of revenue as a result of the recession and the new demands for public services since September 11, 2001, State and local governments are facing deep cuts in vital public services, including public health systems, education and health care; and

Whereas, The Commonwealth of Pennsylvania is currently experiencing a 5.4% unemployment rate; and

Whereas, The numbers of displaced workers increase the demand for additional Medicaid coverage and other essential safety net services and place additional strain on the existing budget deficit; and

Whereas, State and local spending accounted for close to 12% of our nation's Gross Domestic Product (GDP) in 2000, the slowing of state economies having affected all industries; and

Whereas, Medicaid, though provided through a Federal-state partnership, accounts for approximately 16% of the Commonwealth budgets; and

Whereas, If no additional Federal funding is received by Pennsylvania, we will be forced to reduce benefits and eligibility to our most vulnerable citizens; and

Whereas, The Federal Medicaid Assistance Percentage (FMAP) provides an efficient means to distribute aid to states with minimal administrative costs; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the Congress to pass a temporary increase in Medicaid funding to provide immediate aid to states facing deficit budgets and increased costs to their Medicaid programs; and be it further

Resolved, That the House of Representatives urge the Congress to quickly pass the State Budget Relief Act of 2001, H.R. 3414, or any temporary increase in Medicaid funding to assist our State in its budget crisis; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress, to the Pennsylvania congressional delegation and to Governor Mark S. Schweiker.

POM–19. A resolution adopted by the Senate of the State of Delaware relative to providing Medicare coverage for all anti-cancer drugs; to the Committee on Finance.

SENATE RESOLUTION NO. 21

Whereas, cancer is a leading cause of morbidity and mortality in the State of Delaware and throughout the Nation; and

Whereas, cancer is disproportionately a disease of the elderly, with more than half of all cancer diagnoses occurring in persons age 65 or older, who are thus dependent on the federal Medicare program for provision of cancer care; and

Whereas, with treatment using anti-cancer drugs being the cornerstone of modern cancer care, elderly cancer patients must have access to potentially life-extending drug therapy, but the Medicare program's current coverage for anti-cancer drugs is limited to injectable drugs or oral drugs that have an injectable version; and

Whereas, the nation's investment in biomedical research has begun to bear fruit with a compelling array of new oral anticancer drugs that are less toxic, more effective and more cost-effective than existing therapies, but, because such drugs do not have an injectable equivalent, they are not covered by Medicare; and

Whereas, non-coverage of these important new products leaves many Medicare beneficiaries confronting the choice of either substantial out-of-pocket personal costs or selection of more toxic, less effective treatments that are covered by the program; and

Whereas, Medicare's failure to cover oral anti-cancer drugs leaves at risk many individuals suffering from blood-related cancers like leukemia, lymphoma, and myeloma, as well as cancers of the breast, lung, and prostate; and

Whereas, certain members of the United States Congress have recognized the necessity of Medicare coverage for all oral anticancer drugs and introduced legislation in the 107th Congress to achieve that result (H.R. 1624; S. 913):

Now, Therefore, be it

Resolved by the Senate of the 141st General Assembly of the State of Delaware, That the Congress of the United States is hereby respectfully requested to enact legislation extending coverage under the Medicare program for oral as well as injected anticancer drugs, and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, members of Delaware's congressional delegation, the Secretary of Health and Human Services, and the Administrator of the Centers for Medicare and Medicaid Services.

POM–20. A resolution adopted by the City of Miami, State of Florida relative to Federal election monitoring; to the Committee on Rules and Administration.

RESOLUTION NO. 02–1014

Be It Resolved by the Commission of the City of Miami, Florida:

Section 1. The City Attorney is directed to request the United States Department of Justice to monitor voting in the City of Miami at the November 5, 2002 election to assure the rights of individuals to vote.

Section 2. The City Commission states that the City of Miami does not allege fraud or misconduct, but seeks to assure the integrity of the United States' democratic system.

Section 3. The City Clerk is directed to transmit a copy of this Resolution to President George W. Bush, Vice-President Richard B. Cheney, Speaker of the House J. Dennis Hastert, Senators Bill Nelson and Bob Graham, all the members of the United States House of Representatives for Miami-Dade County, the United States Department of Civil Rights, Governor Jeb Bush, the Miami-Dade County Board of County Commissioners, Mayor Alex Penelas, and Supervisor of Elections David Leahy.

Section 4. This Resolution shall be come effective immediately upon its adoption and signature of the Mayor

POM–21. A resolution adopted by the Township of Washington, Warren County, New Jersey relative to the phrase ''one nation under God'' in the Pledge of Allegiance; to the Committee on Rules and Administration.

RESOLUTION NO. 2002–104

Whereas, on June 26, 2002 the United States Court of Appeals for the Ninth Circuit declared the Pledge of Allegiance unconstitutional as it violates the Establishment Clause of the Constitution because it includes the phrase ''. . . one Nation under God . . . ;'' and

Whereas, from its very inception, references to the Deity and the Deity's importance to this nation have been included in our most sacred founding documents and political statements, from the Mayflower Compact, the Declaration of Independence, the Gettysburg Address, Lincoln's Second Inaugural Speech, and through the current crises of September 11, 2001; and

Whereas, THE PHRASE ''. . . one nation under God . . .'' has been an unchallenged and cherished part of the Pledge of Allegiance and has been a part of the fabric of Washington Township's Life; and

Whereas, the First Amendment to the Bill of Rights states Congress shall make no law respecting an establishment of religion; and

Whereas, by the aforesaid phrase, the Founding Fathers were referring to the establishment of a supported church or religion as existed at that time in the several nations of Europe, and not to references to in communal ceremonies; and

Whereas, references to Deity in official government documents, speeches and mottoes, including the Pledge of Allegiance, have long been a long established tradition and manifestly do not constitute the meaning of ''an establishment of religion'' as intended by the Founding Fathers; and

Whereas, the decision of the Ninth Circuit Court violates this sacred right by forbidding citizens to enunciate the phrase in question, and as the controversy has the potential for reaching the U.S. Supreme Court and could directly impact the citizens of Washington Township; and

Whereas, the overwhelming majority of Americans and Washington Township residents, support the inclusion of this phrase in the Pledge of Allegiance, and share our outrage, and no one is under any compulsion to recite that portion of the Pledge of Allegiance under dispute should they wish to exclude it: Now, therefore, be it

Resolved, by the Township Committee of the Township of Washington, Warren County, State of New Jersey as follows:

1. This Committee condemns in the strongest terms possible this imprudent decision by the United States Court of Appeals for the Ninth Circuit;

2. That this decision is an egregious example of the arbitrary and unconstitutional abuse of powers by the Federal Courts;

3. That the Committee urges all elected Warren County officials to effectuate whatever actions may be necessary to nullify this decision;

4. That all of the Washington Township schools be encouraged and urged to continue recitation of the Pledge of Allegiance in its current format in all their classes;

5. That a copy of this resolution be sent to the President of the United States, the Honorable George W. Bush, the Vice-President of the United States, the Honorable Richard Cheney, and to all our elected officials both Federal and State;

6. That a copy of this resolution be sent to all the Board of Chosen Freeholders in the State of New Jersey and to all the Municipal Governing Bodies in the County of Warren, urging them to adopt and distribute similar resolutions addressing this execrable decision;

7. That this Committee, in order to demonstrate it's commitment to the principles expressed herein, hereby approves the posting of a copy of the Pledge of Allegiance including especially the phrase ''ONE NATION UNDER GOD'' in its Township Meeting Room.

POM–22. A resolution adopted by the Borough of Moonachie, New Jersey relative to the phrase ''one nation under God'' in the Pledge of Allegiance; to the Committee on the Judiciary.

RESOLUTION NO. 02–169

Whereas, on June 26, 2002 the United States Court of Appeals for the Ninth Circuit declared the Pledge of Allegiance unconstitutional as it violates the Establishment Clause of the Constitution because it includes the phrase ''. . . one nation under God. . .'', and

Whereas, references to the Deity have been included in most sacred founding documents, speeches, mottoes, and political statements including the most recent crisis of September 11, 2001; and

Whereas, the First Amendment to the Bill of Rights states Congress shall make no law respecting an establishment of religion; and

Whereas, the decision of the Ninth Circuit Court violates this sacred right by forbidding citizens to express the phrase in question and has the potential to directly impact the citizens of Moonachie and the entire Bergen County; and

Whereas, the majority of Americans and Moonachie residents support the inclusion of this phrase in the Pledge of Allegiance and no one is required to recite that portion of the Pledge of Allegiance under dispute should they wish to exclude it: Now, therefore, be it

Resolved by the Mayor and Council of the Borough of Moonachie as follows:

1. The Mayor and Council object to the recent decision by the United States Court of Appeals for the Ninth Circuit;

2. That this decision is an example of an arbitrary and unconstitutional abuse of powers by the Federal Courts:

3. That the Mayor and Council urges all of our elected officials to take whatever actions may be necessary to nullify this decision;

4. That all of our schools be encouraged and urged to continue to recite the Pledge of Allegiance in it current format in all of their classes;

5. That a copy of this resolution shall be sent to the President of the United States, the Honorable George W. Bush, the Vice President of the United States, the Honorable Richard Cheney, and to all of our elected officials, both Federal and State;

6. That a copy of this resolution shall also be sent to all the Municipal Governing Bodies in the County of Bergen as well as the Bergen County Board of Chosen Freeholders, urging them to adopt and distribute a similar resolution.

POM–23. A resolution adopted by the Township of Oldmans, New Jersey relative to the phrase ''one nation under God'' in the Pledge of Allegiance; to the Committee on the Judiciary.

RESOLUTION NO. 2002–69

Whereas, on June 26, 2002 the United States Court of Appeals for the Ninth Circuit declared the Pledge of Allegiance unconstitutional as it violates the Establishment Clause of the Constitution because it includes the phrase ''one Nation under God'' and

Whereas, from its very inception, references to te deity and the Deity's importance to this nation have been included in our most sacred founding documents and political statements, from the Mayflower Compact, the Declaration of Independence, the Gettysburg Address, Lincoln's Second Inaugural Speech, and through the current crises of September 11, 2001; and

Whereas, the phrase ''one Nation under God'' has been an unchallenged and cherished part of the Pledge of Allegiance and has been a part of the fabric of Oldmans Township life for almost 50 years; and

Whereas, the First Amendment of the Bill of Rights states Congress shall make no law respecting the establishment of religion; and

Whereas, by the aforesaid phrase, the Founding Fathers were referring to the establishment of a state supported church or religion as existed at that time in the several nations of Europe, and not to references to God in communal ceremonies; and

Whereas, references to Deity in official government documents, speeches and mottoes, including the Pledge of Allegiance, have been a long established tradition and manifestly do not constitute the meaning of ''an establishment of religion'' as intended by the Founding Fathers; and

Whereas, the decision of the Ninth Circuit Court violates this sacred right by forbidding citizens to enunciate the phrase in question, and as the controversy has the potential for reaching the U.S. Supreme Court and could directly impact the citizens of Oldmans Township; and

Whereas, the overwhelming majority of Americans and Oldmans Township residents, support the inclusion of this phrase in the Pledge of Allegiance, and share our outrage, and no one is under any compulsion to recite that portion of the Pledge of Allegiance under dispute should they wish to exclude it: Now therefore, be it

Resolved by the Township Committee of the Township of Oldmans as follows:

1. The Oldmans Township Committee condemns in the strongest terms possible this imprudent decision by the United States Court of Appeals for the Ninth Circuit.

2. That this decision is an egregious example of the arbitrary and unconstitutional abuse of powers by the Federal Courts.

3. The Oldmans Township Committee urges all of our elected Salem County Officials to effectuate whatever actions may be necessary to nullify this decision.

4. That the Oldmans Township School be encouraged and urged to continue recitation of the Pledge of Allegiance in its current format in all their classes.

5. That a copy of this resolution be sent to the President of the United States, the Honorable George W. Bush, the Vice President of the United States, the Honorable Richard Cheney, and to all our elected officials, both federal and state.

6. That a copy of this resolution be sent to the Salem County Board of Chosen Freeholders and to all the Municipal Governing Bodies in the County of Salem, urging them to adopt and distribute similar resolutions addressing this execrable decision.

7. The Oldsman Township Committee, in order to demonstrate its commitment to the principles expressed herein, hereby approves the posting of a copy of the Pledge of Allegiance including especially the phrase ''ONE NATION UNDER GOD'' in its Township Committee Meeting Room until December 21, 2002.

POM–24. A resolution adopted by the Elsinboro Township, Salem County, New Jersey relative to the phrase ''one nation under God'' in the Pledge of Allegiance; to the Committee on the Judiciary.

RESOLUTION NO. 2002–37

Whereas, on June 26, 2002 the United States Court of Appeals for the Ninth Circuit declared the Pledge of Allegiance unconstitutional as it violates the Establishment Clause of the Constitution because it includes the phrase ''. . . one Nation under God . . .''; and

Whereas, from its very inception, references to the Deity and the Deity's importance to this nation have been included in our most sacred founding documents and political statements, from the Mayflower Compact, the Declaration of Independence, the Gettysburg Address, Lincoln's Second Inaugural Speech, and through the current crises of September 11, 2001, and

Whereas, the phrase '' . . . one Nation under God . . .'' has been an unchallenged and cherished part of the Pledge of Allegiance and has been a part of the fabric of Elsinboro Township life for almost 50 years; and

Whereas, the First Amendment to the Bill of Rights states Congress shall make no law respecting an establishment of religion; and

Whereas, by the aforesaid phrase, the Founding Fathers were referring to the establishment of a state supported church or religion as existed at that time in the several nations of Europe, and not to references to God in communal ceremonies; and

Whereas, references to Deity in official government documents, speeches and mottos, including the Pledge of Allegiance, have been a long established tradition and manifestly do not constitute the meaning of ''an establishment of religion'' as intended by the Founding Fathers; and

Whereas, the decision of the Ninth Circuit Court violates this sacred right by forbidding citizens to enunciate the phrase in question, and as the controversy has the potential for reaching the U.S. Supreme Court and could directly impact the citizens of Elsinboro Township; and

Whereas, the overwhelming majority of Americans and Elsinboro township residents, support the inclusion of this phrase in the Pledge of Allegiance, and share our outrage, and no one is under any compulsion to recite that portion of the Pledge of Allegiance under dispute should they wish to exclude it: Now, therefore be it

Resolved by the Township Committee of the Township of Elsinboro as follows:

1. The Elsinboro Township Committee condemns in the strongest terms possible this imprudent decision of the United States Court of Appeals for the Ninth Circuit.

2. That this decision is an egregious example of the arbitrary and unconstitutional abuse of powers by the Federal Courts.

3. The Elsinboro Township Committee urges all of our elected Salem County Officials to effectuate whatever actions may be necessary to nullify this decision.

4. That the Elsinboro Township School be encouraged and urged to continue recitation of the Pledge of Allegiance in its current format in all their classes.

5. That a copy of this resolution be sent to the President of the United States, the Honorable George W. Bush, the Vice-President of the United States, the Honorable Richard Cheney, and to all our elected officials, both federal and state.

6. That a copy of this resolution be sent to the Salem County Board of Chosen Freeholders and to all the Municipal Governing Bodies in the County of Salem, urging them to adopt and distribute similar resolutions addressing this execrable decision.

7. The Elsinboro Township Committee, in order to demonstrate its commitment to the principles expressed herein, hereby approves the posting of a copy of the Pledge of Allegiance including especially the phrase ''ONE NATION UNDER GOD'' in its Township Committee Meeting Room until December 31, 2002.

POM–25. A resolution adopted by the Borough of Butler, New Jersey relative to the phrase ''one nation under God'' in the Pledge of Allegiance; to the Committee on Rules and Administration.

RESOLUTION NO. R2002–119

Whereas, on June 26, 2002, the United States Court of Appeals for the Ninth Circuit declared the Pledge of Allegiance unconstitutional as it violates the Establishment Clause of the Constitution because it includes the phrase ''. . . one nation under God . . .'', and

Whereas, from its very inception, references to the Deity and the Deity's importance to this nation have been included in our most sacred founding documents and political statements, from the Mayflower Compact, the Declaration of Independence, the Gettysburg Address, Lincoln's Second Inaugural Speech, and through the current crises of September 11, 2001; and

Whereas, the phrase ''. . . one nation under God . . .'' has been an unchallenged and cherished part of the Pledge of Allegiance and has been a part of the fabric of Morris County life for almost 50 years; and

Whereas, the First Amendment to the Bill of Rights states Congress shall make no law respecting an establishment of religion; and

Whereas, by the aforesaid phrase the Founding Fathers were referring to the establishment of a state supported church or religion as existed at that time in the several nations of Europe, and not to references to God in communal ceremonies; and

Whereas, references to the Deity in official government documents, speeches and mottoes, including the Pledge of Allegiance, have been a long established tradition and manifestly do not constitute the meaning of ''an establishment of religion'' as intended by the Founding Fathers; and

Whereas, the decision of the Ninth Circuit Court violates this sacred right by forbidding citizens to enunciate the phase in question, and as the controversy has the potential for reaching the U.S. Supreme Court and could directly impact the citizens of the Borough of Butler; and

Whereas, the overwhelming majority of Americans and Morris County residents, support the inclusion of this phrase in the Pledge of Allegiance, and share our outrage, and no one is under any compulsion to recite that portion of the Pledge of Allegiance under dispute should they wish to exclude it: Now, therefore, be it

Resolved, by the Major and Council of the Borough of Butler, New Jersey, as follows:

1. This Mayor and Council condemns in the strongest term possible, this imprudent decision by the United States Court of Appeals for the Ninth Circuit;

2. That this decision is an egregious example of an arbitrary and unconstitutional abuse of powers by the Federal Courts;

3. That the Mayor and Council urges all of our elected Morris County officials to effectuate whatever actions may be necessary to nullify this decision:

4. That all of our Morris County schools be encouraged and urged to continue recitation of the Pledge of Allegiance in its current format in all their classes;

5. That a copy of this resolution be sent to the President of the United States, the Honorable George W. Bush; to the Vice-President of the United States, the Honorable Richard Cheney, and to all our elected officials, both federal and state;

6. That a copy of this resolution be sent to all the other Municipal Governing Bodies in the County of Morris, urging them to adopt and distribute similar resolutions addressing this execrable decision.

POM–26. A resolution adopted by the City of Buffalo, state of New York relative to Buffalo's CDGB allocation; to the Committee on Banking, Housing, and Urban Affairs.

RESOLUTION NO. 184

Whereas, HUD Assistant Secretary Roy Bernardi has informed Mayor Masiello that the City of Buffalo will be losing approximately $1.825 million in CDBG funding in its 2003 allocation (#11, CCP 10/15/02–''HUD CDBG Fiscal Year 2003 Allocation);

Whereas, According to Mr. Bernardi, this funding cut is mandated by HUD's funding formula, which is based on the 2000 census data of poverty, housing overcrowding and pre 1940 housing; and

Whereas, According to HUD's ''CDBG Program Description'', CDBG funds may be used to ''benefit persons of law and moderate income, aid in the prevention or elimination of slums or blight, or meet other community development needs of particular urgency'';

Whereas, It defies logic and fact that the City of Buffalo should see a decrease in funding, given its ongoing devotion in the areas of poverty and housing; and

Whereas, As in other urban areas throughout the country, it is very likely that Buffalo suffered an undercount of both its population and level of poverty in the 2000 census; and

Whereas, Buffalo's need for CDBG funding exists in greater measure that ever before, and a cut at this time would be particularly egregious given the City's projected deficit of $228 million for fiscal year 2003/04; and

Whereas, For the sake of Buffalo's impoverished communities, where hope is running short, it is imperative that our Congressional delegates work effectively and urgently to restore Buffalo's CDBG funding cut;

Now, therefore, Be It Resolved That:

This Common Council requests the WNY Congressional delegation to insure that the City of Buffalo's CDBG allocation for 2003 is restored to at least the 2002 level, whether by appealing flaws in the formula that mask Buffalo's need, or by building an alliance to increase total CDBG funding nationwide; and

Now, Therefore, Be It Further Resolved That:

This Common Council requests the WNY Congressional delegation members to file a response to this request with the Council c/o the City Clerk, 1308 City Hall, Buffalo, NY 14202, as soon as possible, outlining any ways in which City officials and others can support their strategy to restore CDBG funding; and

Be It Finally Resolved That:

The City Clerk be directed to send certified copies of this resolution to Congress members Slaughter, Quinn, and LaFalce, Senator Schumer and Clinton, the Clerk of the Senate, the Speaker of the House, HUD Secretary Martinez and President Bush.

POM–27. A resolution adopted by the Michigan State Senate relative to the Hunting Heritage Protection Act; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 281

Whereas, Hunting is an activity that is enjoyed by millions of people across Michigan and our entire country. Unlike some recreational pursuits, however, hunting provides a direct link to the outdoors heritage of our nation and is a sport that is closely tied to the quality of our natural resources. The benefits of hunting extend far beyond economic considerations. This reality is especially appreciated by the people of Michigan; and

Whereas, Recreational hunting continues to be an important way people relate to the outdoors, even in our modern society. Hunters and hunting organizations are among the most dedicated supporters of sound wildlife management and conservation practices. Fees from licenses contribute to programs that maintain unique resources for future generations; and

Whereas, In an effort to perpetuate our country's hunting heritage, Congress has been considering legislation that would take steps to ensure that hunting remains a key part of wildlife management on federal lands. This legislation, the Hunting Heritage Protection Act, provides that federal lands will be open to hunting, with specific exceptions. Federal agencies with authority on public lands are to support and enhance hunting within applicable laws and regulations. The legislation includes provisions to ensure that there is no net loss of land available for hunting as future land decisions are made; and

Whereas, Michigan has a long history of respect for the role that sound wildlife management can play in preserving unique recreational resources. Our citizens have strongly supported moves to protect our woods, waters, and wildlife. Federal legislation to ensure that hunting remains part of our national heritage reflects the will of our state: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact the Hunting Heritage Protection Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–28. A resolution adopted by the Michigan State Senate relative to funding for efforts to prevent the invasion of the Asian carp into the Great Lakes; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 282

Whereas, Aquatic species from outside the Great Lakes that have become established here have significantly altered the ecology of this treasured freshwater resource. The lamprey, zebra mussel, and goby are the best known of these exotic invaders. The costs, from municipalities that have to maintain water systems to those who make their living on the lakes through recreation or other businesses, represent an enormous economic drain. Most importantly, these species can seriously upset the delicate balance of nature in ways we may not fully understand for decades; and

Whereas, Another invasion species is close to entering the Great Lakes. The Asian carp, a large, voracious fish imported to the Mississippi Valley region to clean certain vegetation and snails from commercial fish farming operations, has been making its way up the Chicago Ship and Sanitary Canal and is apparently getting close to Lake Michigan. Offices in the Great Lakes area and from the International Joint Commission have called for Congress to support measures to keep this threat out of the Great Lakes; and

Whereas, One of the strategies proposed to prevent the Asian carp from entering Lake Michigan is an electric dispersal barrier near Chicago. Congress has been considering appropriations that would provide for the United States Corps of Engineers to implement the dispersal barrier project. Delays in this effort jeopardize further the long-term health of the Great Lakes; Now, therefore be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide funding for efforts to prevent the invasion of the Asian carp into the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and member of the Michigan congressional delegation.

POM–29. A resolution adopted by the City of Salem, New Jersey relative to the phrase ''one nation under God'' in the Pledge of Allegiance; to the Committee on the Judiciary.

RESOLUTION NO. 02–150

Whereas, on June 26, 2002 the United States Court of Appeals for the Ninth Circuit declared the Pledge of Allegiance unconstitutional as it violates the Establishment Clause of the Constitution because it includes the phrase ''. . . one Nation under God . . .''; and

Whereas, from its very inception, references to the Deity and the Deity's importance to this nation have been included in our most sacred founding documents and political statements, from the Mayflower Compact, the Declaration of Independence, the Gettysburg Address, Lincoln's Second Inaugural Speech and through the current crises of September 11, 2001; and

Whereas, the phrase ''. . . one Nation under God . . .'' has been an unchallenged and cherished part of the Pledge of Allegiance and has been a part of the fabric of the City of Salem life for almost 50 years; and

Whereas, the First Amendment to the Bill of Rights states ''Congress shall make no law respecting an establishment of religion; and

Whereas, by the aforesaid phrase, the Founding Fathers were referring to the establishment of a state supported church or religion as existed at that time in the several nations of Europe, and not to references to God in communal ceremonies; and

Whereas, references to Deity in official government documents, speeches and mottos, including the Pledge of Allegiance, have been a long established tradition and manifestly do not constitute the meaning of ''an establishment of religion'' as intended by the Founding Fathers; and

Whereas, the decision of the Ninth Circuit Court violates this sacred right by forbidding citizens to enunciate the phrase in question, and as the controversy has the potential for reaching the U.S. Supreme Court and could directly impact the citizens of the City of Salem; and

Whereas, the overwhelming majority of Americans which includes the residents of the City of Salem, support the inclusion of this phrase in the Pledge of Allegiance, and share our outrage, and no one is under any compulsion to recite that portion of the Pledge of Allegiance under dispute should they wish to exclude it: Now, therefore, be it

Resolved, by the Mayor and Common Council of the City of Salem, County of Salem, and State of New Jersey as follows:

1. The Mayor and Common Council condemns in the strongest terms possible this imprudent decision by the United States Court of Appeals for the Ninth Circuit.

2. That this decision is an egregious example of the arbitrary and unconstitutional abuse of powers by the Federal Courts.

3. The Mayor and Common Council of the City of Salem urges all of our elected Salem County Officials to effectuate whatever actions may be necessary to nullify this decision.

4. That the Salem City School System be encouraged and urged to continue recitation of the Pledge of Allegiance in its current format in all their classes.

5. That a copy of this resolution be sent to the President of the United States, the Honorable George W. Bush, the Vice-President of the United States, the Honorable Richard Cheney, and to all our elected officials both federal and state.

6. That a copy of this resolution be sent to the Salem County Board of Chosen Freeholders and to all the Municipal Governing bodies in the County of Salem, urging them to adopt and distribute similar resolutions addressing this execrable decision.

7. The Mayor and Common Council of the City of Salem, in order to demonstrate its commitment to the principles expressed herein, hereby approves the posting of a copy of the Pledge of Allegiance including especially the phrase ''ONE NATION UNDER GOD'' in its Council Meeting Room until December 31, 2002.

POM–30. A resolution adopted by the Humboldt County Democratic Central Committee, City of Eureka, State of California relative to the use of force against Iraq; to the Committee on Foreign Relations.

A RESOLUTION

Whereas the Humboldt County Democratic Central Committee is responsible for representing the values and interests of Democratic voters in Humboldt County;

Whereas members of the Humboldt County Democratic Central Committee are publicly elected and constitute a diverse body of community leaders with demonstrated knowledge of civic issues and commitment to public service;

Whereas there are over 30,000 registered Democratic voters in Humboldt County, making the Democratic Party the largest civic organization on California's North Coast;

Whereas the possibility of war between the United States of America and the Republic of Iraq is a matter of great concern to Humboldt County Democrats;

Whereas the consequences of such a war could include the loss of American lives, the deaths of innocent Iraqi civilians, damage to United States diplomatic relations with countries throughout the Arab and Muslim world, diminished cooperative international efforts to reduce international terrorism, dangerously high global energy prices, and increased ethnic and religious violence in the Middle East;

Whereas a congressional authorization for the President to use force that would result in the overthrow of another government is tantamount to a declaration of war, a power constitutionally reserved to Congress, and one which cannot be deferred or delegated to the President;

Whereas embarking on such a war without broad international support and participation defies international laws and standards of decent, civilized behavior;

Whereas, the United States and the international community have not yet exhausted peaceful means to resolve the issues of Iraqi compliance with United Nations Security Council resolutions, which if successful, would provide knowledge about the true extent of potential threats posed by Iraq;

Whereas the Administration has failed to justify the human and financial cost of attacking Iraq, which must be based on either an objectively imminent threat posed by Iraq or a preeminent role that Iraq plays in supporting terrorism;

Whereas the use of force by the United States against another government under these circumstances undermines the democratic principles of this great republic to uphold justice, liberty and human rights;

Whereas the sudden and relentless emphasis on this issue by the Republican Party,

the President and his administration just before a critical national election diverts public attention away from other vitally important issues including corporate fraud, the growing national debt, health care reforms and preserving Social Security: Now, therefore, be it

Resolved, That the Humboldt County Democratic Central Committee hereby opposes the preemptive use of force or a Congressional resolution authorizing such a use of force against Iraq or any sovereign nation without independently verified evidence of an imminent threat, due consideration of the short- and long-term consequences noted above, and the exhaustion of all peaceful means to remedy the situation; be it further

Resolved, That the Humboldt County Democratic Central Committee calls upon the President and his administration to fully participate in international collaborative efforts to peacefully ensure Iraqi compliance with United Nations resolutions; and be it further

Resolved, That the Humboldt County Democratic Central Committee calls upon our elected officials to pursue domestic policies that reduce our dependence on energy imports and support foreign policies that consistently respect and support human rights, national sovereignty, and international efforts to reduce poverty; and be it further

Resolved, That copies of this resolution be sent to our elected officials, the local media and civic organizations.

POM–31. A resolution adopted by the City of Miami, State of Florida relative to human rights violations in Afghanistan; to the Committee on Foreign Relations.

RESOLUTION NO. 02–860

Whereas, the abuse of women and children in Afghanistan and Pakistan and other countries under the leadership of fundamentalist regimes has been well documented by nations, international human rights organizations and the media, particularly since the take-over of Afghanistan by the Taliban; and

Whereas, these women and children continue to suffer from the deprivation and violation of their civil and human rights and be subjected to violence, repression and abuse; and

Whereas, the City of Miami Commission on the Status of Women has set out in its Position Statement/Paper its condemnation of the treatment of women and children in Afghanistan and Pakistan; and

Whereas, the City Commission wishes to strongly urge the government of the United States, and any other nations or authorities responsible for the status and treatment of women, to review the Position Statement/Paper of the City of Miami Commission on the Status of Women: Now, therefore, be it

Resolved by the Commission of the City of Miami, Florida:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The United States government and any other nations or authorities responsible for the status and treatment of women are strongly urged to review the Position Statement/Paper of the City of Miami Commission on the Status of Women which condemns the treatment of women and children in Afghanistan and Pakistan.

Section 3. The City Clerk is directed to transmit a copy of this Resolution to President George W. Bush, Vice-President Richard B. Cheney, Speaker of the House J. Dennis Hastert, Senators Bob Graham and Bill Nelson, all members of the United States House of Representatives for Miami-Dade County, the United States Department of State, the United States Department of Justice, the United Nations High Commissioner, and all Consulate Generals based in the City of Miami and Miami-Dade County.

Section 4. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.

CITY OF MIAMI COMMISSION ON THE STATUS OF WOMEN POSITION PAPER CONDEMNING THE TREATMENT OF WOMEN AND CHILDREN IN AFGHANISTAN AND PAKISTAN

The abuse of women in Afghanistan and Pakistan and other countries under the leadership of fundamentalist regimes has been documented for several years, particularly since the take-over of Afghanistan by the Taliban.

Prior to the takeover by the Taliban in 1996, women throughout Afghanistan enjoyed some degree of freedom. The Taliban institutionalized the sort of discrimination the entire world has now soundly condemned. Women comprised some 70% of school teachers, 50% of civilian workers, and 40% of doctors in Kabul.

Women have been banished to a bare existence, denied most schooling, adequate medical care, and any means to support themselves. It is estimated that the illiteracy rate among women is now 90%. Many women and children have died seeking medical care of any sort. It is also estimated by international organizations that there exist some 40,000 widows in Afghanistan. Though exempt from some of the edicts of the past government, they have been left with few means to support and feed themselves and their children.

Women and their male supporters have been publicly beaten and frequently killed by the ''Religious Police'' in their attempts to enforce their version of the law.

Many women have continued to pursue education and medicine in secret, teaching in secret home schools, and doctors have had to practice medicine under extreme restrictions as to their dress and the patients they may treat.

A recent article in the Miami Herald declared that in spite of the ''loya jirga'' (or ''grand council'' that was in progress in Afghanistan to choose the country's current and future leaders, in practice, women who speak out and fail to wear the traditional clothing mandated in the past, are still prime targets of the local warlords and their followers and are thus unable to fully participate in the rebuilding process. Recently, a relief agency trucking supplies into the mountains was stopped and a female relief worker raped by the ''soldiers.'' Many of the warlords who control the areas of worst abuse are the same warlords who are participating in the ''loya jirga'' and have obtained positions of authority in the new government. Women who are working for progress and healing are subject to retribution at all levels.

In Pakistan and India, women have also historically been subject to repression and laws which treat them as less than property.

1. The United States government must come out even more strongly in support of women and children in Afghanistan and Pakistan and the Non-Governmental Organizations that strive to support them.

2. In spite of the passage of the Afghanistan Women and Children Relief Act of 2001 by Congress, more funding and more support must be forthcoming. The United States was the driving force behind the liberation of the countries in question from extremist rule, and must be the leading force assisting in the remediation of these atrocities.

3. The governments of Afghanistan and Pakistan should be encouraged to clearly and publicly condemn all acts of violence against women. They should develop and implement policies and disseminate materials to promote women's safety in the community and in detention.

4. The governments of Afghanistan and Pakistan should prohibit all acts of violence against women and establish legal protection. They should review existing laws such as the ''Hudood Ordinance'' (which criminalizes extra-marital sex, including adultery, fornication and rape outside of a valid marriage) and add additional protections and penalties.

5. The governments of Afghanistan and Pakistan must investigate all allegations of violence against women and prosecute and punish those found to be responsible.

6. In Afghanistan, women must be reintroduced into open society with all the protections we in the West enjoy. Women doctors must be allowed to go back to work. Women teachers must be allowed to teach and schools must be allowed past the 8th grade.

7. Women must be made equal citizens as far as enlightened religious practice allows. Prior regimes in Afghanistan allowed women great latitude in society. That must be restored.

8. The United States must fully support all United Nations efforts to end all forms of discrimination against women, and monitor these efforts on an ongoing basis and report to the people of the United States on progress achieved.

POM–32. A resolution adopted by the City of Belvedere State of New Jersey relative to supporting Israel in the campaign against terrorism; to the Committee on Foreign Relations.

RESOLUTION

Whereas, the United States of America was struck by suicide terrorists on September 11, 2001, in attacks that killed thousands of U.S. citizens, destroyed the World Trade Center in New York City, damaged the Pentagon, and purposefully incinerated four commercial aircraft by turning those planes into suicide missiles; and

Whereas, the government of the United States and the military of this country are currently involved in an international and domestic effort of historic proportions to curb terrorism against this country and assist our friends and allies who are engaged in similar efforts; and

Whereas, the State of Israel, the closest ally of the United States in the Mideast and the only democratic nation in that region, has experienced a brutal spate of suicide terrorist attacks against civilizations in the last year by groups sponsored or given safe harbor by the Palestinian Authority and its Chairman, Yasser Arafat, and substantially assisted by our nations in the region such as Iraq and Iran; and

Whereas, an attack against the civilian population by terrorists of one country is an attack on civilizations in all countries and the increased use of suicide bombers is a new form of terrorism that threatens civilians everywhere; and

Whereas, the Warren County Board of Chosen Freeholders laments the tragic loss of life experience by the Israeli people during the recent hostilities in the Mideast: Now, therefore be it

Resolved by the Warren County Board of Chosen Freeholders:

That the Warren County Board of Chosen Freeholders on behalf of the citizens of Warren County stands behind those efforts of our President that support the government and people of Israel in this time of crisis in the Mideast.

That the Warren County Board of Chosen Freeholders on behalf of the citizens of Warren County supports the State of Israel and

her citizens in the campaign against terror and in the effort to root out the terrorist infrastructure currently protected by and encouraged by the Palestinian Authority and other nations in the region still at war with the State of Israel.

That the Warren County Board of Chosen Freeholders on behalf of the citizens of Warren County call upon all Arab nations committed to and desirous of peace to take action by: abstaining from monetarily rewarding attacks on innocent citizens; encouraging accountability in the peace process by facilitating the establishment of democratic institutions of government in the Palestinian Authority to insure enforcement of peace if and when it is brokered; halting the use of state media and state education systems to fomet religious hatred and anti-Semitism; and encouraging the Palestian Authority to place in leadership people capable and willing to negotiate and consummate a permanent peace accord.

That the Warren County Board of Chosen Freeholders on behalf of the citizens of Warren County urges our President and our Congress to support the State of Israel in its effort to live in peace and security, minimize to the greatest extent loss to innocents and to withstand pressure from those who would appease or accommodate terrorism in any form or at any place.

That a copy of this resolution be distributed to the President of the United States, the Honorable George W. Bush, to the Vice President of the United States, the Honorable Richard Cheney, and to all our elected officials, both federal and state.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GREGG for the Committee on Health, Education, Labor, and Pensions.

*Celeste Colgan, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*Jewel Spears Brooker, of Florida, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*Elizabeth Fox-Genovese, of Georgia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*Stephen McKnight, of Florida to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*Sidney McPhee, of Tennessee, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*Lawrence Okamura, of Missouri, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*Marguerite Sullivan, of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*Stephen Thernstrom, of Massachusetts, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*David Hertz, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

*Terry L. Maple, of Georgia, to be a Member of the National Museum Services Board for a term expiring December 6, 2005.

*Phyllis C. Hunter, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term of two years.

*Blanca E. Enriquez, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term of three years.

*Douglas Carnine, of Oregon, to be a Member of the National Institute for Literacy Advisory Board for a term of three years.

*Stanley C. Suboleski, of Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2006.

*W. Scott Railton, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 2, 2007.

By Mr. MCCAIN for the Committee on Commerce, Science and Transportation.

*Asa Hutchinson, of Arkansas, to be Under Secretary for Border and Transportation, Department of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. LUGAR, and Mr. HATCH):

S. 205. A bill to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs; to the Committee on the Judiciary.

By Mr. ROBERTS (for himself, Mrs. CLINTON, Mr. HATCH, Mr. BINGAMAN, and Mr. KYL):

S. 206. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of incentive stock options and employee stock purchase plans; to the Committee on Finance.

By Mr. SMITH:

S. 207. A bill to amend the Internal Revenue Code of 1986 to provide a 10-year extension of the credit for producing electricity from wind; to the Committee on Finance.

By Ms. SNOWE:

S. 208. A bill to require the Secretary of Homeland Security to develop and implement a plan to provide security for cargo entering the United States or being transported in intrastate or interstate commerce; to the Committee on Commerce, Science, and Transportation.

By Mrs. HUTCHISON (for herself, Mr. DURBIN, Mr. CORNYN, Mr. LEVIN, Mr. DEWINE, Mr. COCHRAN, Mr. FITZGERALD, and Mr. ALLEN):

S. 209. A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 210. A bill to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 211. A bill to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. BROWNBACK, and Mr. DOMENICI):

S. 212. A bill to authorize the Secretary of the Interior to cooperate with the High Plains States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 213. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 214. A bill to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Mr. BOND, Mr. LEAHY, Mr. LIEBERMAN, Mr. GREGG, Mrs. MURRAY, Mr. JOHNSON, Mrs. CLINTON, Mr. BREAUX, and Mr. FEINGOLD):

S. 215. A bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard; to the Committee on Armed Services.

By Mr. EDWARDS:

S. 216. A bill to authorize the National Institute of Standards and Technology to develop improvements in building and fire codes, standards, and practices to reduce the impact of terrorist and other extreme threats to the safety of buildings, their occupants, and emergency responders, and to authorize the Department of Homeland Security to form a task force to recommend ways to strengthen standards in the private security industry, stabilize the workforce, and create a safer environment for commercial building and industrial facility occupants; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Mr. LAUTENBERG):

S. 217. A bill to reinstate felony penalties for licensed gun dealers who fail to maintain records of sales; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. KERRY):

S. 218. A bill to amend the Coastal Zone Management Act; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself and Mr. SPECTER):

S.J. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. DEWINE, Mr. BINGAMAN, Mr. BROWNBACK, Mr. DURBIN, Mr. DOMENICI, Mr. SPECTER, Ms. MIKULSKI, Mr. COCHRAN, Mrs. MURRAY, Mr. ALLEN, Mrs. CLINTON, Mr. FITZGERALD, Mr. AKAKA, Mr. DODD, and Ms. LANDRIEU):

S. Res. 25. A resolution designating January 2003 as ''National Mentoring Month''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 68

At the request of Mr. INOUYE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 85

At the request of Mr. LUGAR, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 85, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 138

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 138, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S.J. RES. 4

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S.J. Res. 4, A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. CON. RES. 1

At the request of Mr. SARBANES, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Con. Res. 1, A concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

AMENDMENT NO. 33

At the request of Mr. CRAIG, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 33 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 39

At the request of Mrs. MURRAY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 39 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 59

At the request of Mr. WYDEN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. DASCHLE) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 59 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 89

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 89 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 108

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 108 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 108

At the request of Ms. CANTWELL, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Mrs. MURRAY), the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr . AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Mr. SARBANES), the Senator from California (Mrs. FEINSTEIN) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of amendment No. 108 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 126

At the request of Mr. BINGAMAN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 126 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 127

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 127 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 131

At the request of Mr. HARKIN, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Arkansas (Mr. PRYOR), the Senator from Michigan (Mr. LEVIN) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of amendment No. 131 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 135

At the request of Mr. TALENT, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of amendment No. 135 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 136

At the request of Ms. MIKULSKI, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Delaware (Mr. BIDEN), the Senator from Washington (Ms. CANTWELL), the Senator from Oregon (Mr. SMITH), the Senator from Kansas (Mr. ROBERTS) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 136 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 137

At the request of Mr. LIEBERMAN, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of amendment No. 137 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 137

At the request of Mr. LOTT, his name was added as a cosponsor of amendment No. 137 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 138

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 138 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 138

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 138 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 138

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 138 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 138

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from New York (Mrs. CLINTON) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of amendment No. 138 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 163

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 163 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 167

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 167 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 172

At the request of Ms. LANDRIEU, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maine (Ms. COLLINS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 172 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 174

At the request of Mr. AKAKA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as

a cosponsor of amendment No. 174 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 176

At the request of Mr. SCHUMER, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 176 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 178

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 178 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 178

At the request of Mr. DAYTON, his name was added as a cosponsor of amendment No. 178 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 178

At the request of Mr. DOMENICI, his name was added as a cosponsor of amendment No. 178 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 178

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 178 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 178

At the request of Mrs. DOLE, her name was added as a cosponsor of amendment No. 178 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 187

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 187 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 188

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. JEFFORDS), the Senator from Iowa (Mr. HARKIN), the Senator from South Dakota (Mr. DASCHLE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 188 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 192

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 192 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 199

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of amendment No. 199 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 214

At the request of Mr. COLEMAN, his name was added as a cosponsor of amendment No. 214 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 214

At the request of Mr. DAYTON, his name was added as a cosponsor of amendment No. 214 proposed to H.J. Res. 2, supra.

AMENDMENT NO. 236

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 236 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. LUGAR, and Mr. HATCH):

S. 205. A bill to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, on October 7, 2002, the President of the United States said something very important about United Nations inspections in Iraq. He said: ''Clearly, to actually work, any new inspections . . . will have to be very different. . . . To ensure that we learn the truth, the regime must allow witnesses to its illegal activities to be interviewed outside the country—and these witnesses must be free to bring their families with them so they are all beyond the reach of Saddam Hussein's terror and murder. And inspectors must have access to any site, at any time, without pre-clearance, without delay, without exceptions.''

The President was right on the money about inspections. This is how to get the information the world needs on Saddam Hussein's weapons of mass destruction. Inspections are vital to stripping him of those banned weapons.

The United Nations responded properly to the President's challenge. On November 8, the Security Council adopted Resolution 1441, which provided: . . . that Iraq shall provide UNMOVIC and the IAEA immediate, unimpeded, unconditional, and unrestricted access to any and all, including underground areas, facilities, buildings, equipment, records, and means of transport which they wish to inspect, as well as immediate, unimpeded, unrestricted, and private access to all officials and other persons whom UNMOVIC or the IAEA wish to interview in the mode or location of UNMOVIC's or the IAEA's choice pursuant to any aspect of their mandates; further decides that UNMOVIC and the IAEA may at their discretion conduct interviews inside or outside of Iraq, may facilitate the travel of those interviewed and family members outside of Iraq, and that, at the sole discretion of UNMOVIC and the IAEA, such interviews may occur without the presence of observers from the Iraqi government.''

The inspectors are given unprecedented authority. But how are they to implement it? Where will those weapons scientists and their families go, once they've told the truth about Saddam's weapons programs? They can't go home again. And at least in the short run, there will be no safe haven in the region for people who reveal Saddam's most terrible secrets.

Maybe some can go to Europe, although both al Qaeda cells and Saddam's agents have operated there. Maybe some can go to Canada, or to South America.

If the United States wants the world to show resolve in dealing with Saddam Hussein, however, then we must take the lead in admitting those people who have the courage to betray Saddam's nuclear, chemical, biological or missile programs. We have a large country in which to absorb those people, and, for all our problems, we have the best law enforcement and security apparatus to guard them.

What we do not have is an immigration system that readily admits large numbers of persons who were involved with weapons of mass destruction, have aided a country in the sop-called ''axis of evil,'' and are bringing their families. I introduced legislation last October, therefore, to admit to our country those personnel, and their families, who give critical and reliable information on Saddam's programs to us, to the United Nations, or to the International Atomic Energy Agency. On November 20, the Senate passed an amended version of that bill, S. 3079, with the strong support of the Administration; but there was not enough time for the House of Representatives to act on the legislation.

Two months have passed since inspections were resumed in Iraq. The new inspectors are gaining experience, as well as actionable intelligence from the United States and other countries. They are beginning to find unreported weapons; and every weapon destroyed is a weapon that will never be used to cause mass destruction or to attack U.S. forces.

But inspectors have had a hard time getting truthful information from the Iraqis they interview. Saddam Hussein terrorizes his people, including his weapons scientists, so effectively that they are afraid to be interviewed in private, let alone outside the country. They know that even the appearance of cooperation could be a death sentence for themselves or their families.

To overcome this obstacle, and to discover and dismantle Saddam Hussein's weapons of mass destruction,

UNMOVIC and the IAEA must interview relevant persons securely and with their families protected, even if they protest publicly against this treatment. Hans Blix may dislike running ''a defection agency,'' but that could be the only way to obtain truthful information about Saddam's weapons of mass destruction. The protests of those interviewed can actually be helpful, as they prevent Saddam from knowing which of his personnel may be willing to tell the truth once they and their families are given a secure environment.

The United States must help UNMOVIC and the IAEA to create that secure environment. So, today I am reintroducing the Iraqi Scientists Immigration Act.

I am joined by my esteemed colleague on the Judiciary Committee, Senator SPECTER of Pennsylvania, who co-sponsored the original bill, and also by the chairmen of the Foreign Relations Committee and the Judiciary Committee Senator LUGAR of Indiana and Senator HATCH of Utah. I have been assured, moreover, that the Administration remains eager to see this bill enacted. This bill is not political. Rather, it is a bipartisan effort to help the President succeed in forcing Iraq to destroy all its weapons of mass destruction capabilities.

I urge my colleagues to support quick action on this legislation. Iraqis will not come forward unless we offer protection to them and their families. Those who are willing to provide truthful information will merit our protection. And their information will help disarm Saddam Hussein; it will save lives if we have to go to war; and it could even help us to disarm Saddam without a war.

Current law includes several means of either paroling non-immigrants into the United States or admitting people for permanent residence, notwithstanding their normal inadmissibility under the law. These are very limited provisions, however, and they will not suffice to accommodate hundreds of Iraqi scientists and their families.

The legislation that I am re-introducing, the ''Iraqi Scientists Immigration Act of 2003,'' will permit the Attorney General, on a case-by-case basis in coordination with the Secretary of State and the Director of Central Intelligence, to admit a foreigner and his family if such person: has worked in an Iraqi program to produce weapons of mass destruction or the means to deliver them; is willing to supply or has supplied critical and reliable information on that program to an agency of the United States Government; may be willing to supply or has supplied such information to United Nations or IAEA inspectors; and will be or has been placed in danger as a result of providing such information.

The Attorney General will also have the authority to give legal permanent resident status to persons who provide the promised information.

Finally, this legislation will be limited to the admission of 500 scientists, plus their families. If it works and we need to enlarge the program, we can do so.

The important thing to do now is to give our country the initial authority, and to give United Nations inspectors the ability to reassure Saddam's nuclear, chemical, biological and missile experts that they and their families will be protected if they help the world to bring those programs down.

President Bush, other world leaders, and the inspectors in Iraq are trying to disarm a tyrant whose arms programs make him a danger to world peace. And they are trying to do this without going to war, even as we prepare to wage that war if necessary. We owe it to the inspectors to give them every chance to succeed. We owe it to the President to give him the tools he needs to help those inspectors. We owe it to Iraq's people and its neighbors to do everything we can to dismantle its weapons of mass destruction programs. And we owe it to our own people to do all we can to achieve that end peacefully, and with international support.

This bill is a small, but vital step toward those ends. I urge my colleagues to give it their immediate attention and support.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Iraqi Scientists Immigration Act of 2003''.

SEC. 2. ADMISSION OF CRITICAL ALIENS.

(a) NONIMMIGRANT CATEGORY.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking ''or'' at the end of subparagraph (U);

(2) by striking the period at the end of subparagraph (V) and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(W) Subject to section 214(s), an alien—

''(i) who the Attorney General determines, in coordination with the Secretary of State, the Director of Central Intelligence, and such other officials as he may deem appropriate, and in the Attorney General's unreviewable discretion, is an individual—

''(I) who has worked at any time in an Iraqi program to produce weapons of mass destruction or the means to deliver them;

''(II) who is in possession of critical and reliable information concerning any such Iraqi program;

''(III) who is willing to provide, or has provided, such information to the United States Government;

''(IV) who may be willing to provide, or has provided, such information to inspectors of the United Nations or of the International Atomic Energy Agency;

''(V) who will be or has been placed in danger as a result of providing such information; and

''(VI) whose admission would be in the public interest or in the interest of national security; or

''(ii) who is the spouse, married or unmarried son or daughter, parent, or other relative, as determined by the Attorney General in his unreviewable discretion, of an alien described in clause (i), if accompanying or following to join such alien, and whose admission the Attorney General, in coordination with the Secretary of State and the Director of Central Intelligence, determines in his unreviewable discretion is in the public interest or in the interest of national security.''.

(b) LIMITATIONS AND CONDITIONS APPLICABLE TO ''W'' NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) by redesignating subsections (m) (as added by section 105 of Public Law 106–313), (n) (as added by section 107(e) of Public Law 106–386), (o) (as added by section 1513(c) of Public Law 106–386), (o) (as added by section 1102(b) of the Legal Immigration Family Equity Act), and (p) (as added by section 1503(b) of the Legal Immigration Family Equity Act) as subsections (n), (o), (p), (q), and (r), respectively; and

(2) by adding at the end the following new subsection:

''(s) NUMERICAL LIMITATIONS AND CONDITIONS OF ADMISSION AND STAY FOR NONIMMIGRANTS ADMITTED UNDER SECTION 101(a)(15)(W).—

''(1) LIMITATION.—The number of aliens who may be admitted to the United States or otherwise granted status under section 101(a)(15)(W)(i) may not exceed a total of 500.

''(2) CONDITIONS.—As a condition for the admission, and continued stay in lawful status, of any alien admitted to the United States or otherwise granted status as a nonimmigrant under section 101(a)(15)(W), the nonimmigrant—

''(A) shall report to the Attorney General such information concerning the alien's whereabouts and activities as the Attorney General may require;

''(B) may not be convicted of any criminal offense punishable by a term of imprisonment of 1 year or more after the date of such admission or grant of status;

''(C) must have executed a form that waives the nonimmigrant's right to contest, other than on the basis of an application for withholding of removal or for protection under the Convention Against Torture, any action for removal of the alien instituted before the alien obtains lawful permanent resident status;

''(D) shall cooperate fully with all requests for information from the United States Government including, but not limited to, fully and truthfully disclosing to the United States Government all information in the alien's possession concerning any Iraqi program to produce weapons of mass destruction or the means to deliver them; and

''(E) shall abide by any other condition, limitation, or restriction imposed by the Attorney General.''.

(c) ADJUSTMENT OF STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(1) in subsection (c)—

(A) by striking ''or'' before ''(8)''; and

(B) by inserting before the period ''or (9) an alien who was admitted as a nonimmigrant described in section 101(a)(15)(W)'';

(2) by redesignating subsection (l), relating to ''U'' visa nonimmigrants, as subsection (m); and

(3) by adding at the end the following new subsection:

''(n) ADJUSTMENT TO PERMANENT RESIDENT STATUS OF 'W' NONIMMIGRANTS.—

''(1) IN GENERAL.—If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States (or otherwise provided nonimmigrant status) under section

101(a)(15)(W)(i) has complied with section 214(s) since such admission or grant of status, the Attorney General may, in coordination with the Secretary of State and the Director of Central Intelligence, and in his unreviewable discretion, adjust the status of the alien (and any alien who has accompanied or followed to join such alien pursuant to section 101(a)(15)(W)(ii) and who has complied with section 214(s) since admission or grant of nonimmigrant status) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

''(2) RECORD OF ADMISSION; REDUCTION IN VISA NUMBERS.—Upon the approval of adjustment of status of any alien under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval and the Secretary of State shall reduce by one the number of visas authorized to be issued under sections 201(d) and 203(b)(4) for the fiscal year then current.''.

(d) WAIVER AUTHORITY.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by inserting after paragraph (1) the following new paragraph:

''(2) The Attorney General shall determine whether a ground of inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(W). The Attorney General, in the Attorney General's discretion, may waive the application of subsection (a) in the case of such a nonimmigrant if the Attorney General considers it to be in the public interest or in the interest of national security.''.

(e) CONFORMING AMENDMENT.—Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking ''or (S)'' and inserting ''(S), or (W)''.

SEC. 3. WEAPON OF MASS DESTRUCTION DEFINED.

(a) IN GENERAL.—In this Act, the term ''weapon of mass destruction'' has the meaning given the term in section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2717; 50 U.S.C. 2302(1)), as amended by subsection (b).

(b) TECHNICAL CORRECTION.—Section 1403(1)(B) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2717; 50 U.S.C. 2302(1)(B)) is amended by striking ''a disease organism'' and inserting ''a biological agent, toxin, or vector (as those terms are defined in section 178 of title 18, United States Code)''.

By Mr. SMITH:

S. 207. A bill to amend the Internal Revenue Code of 1986 to provide a 10-year extension of the credit for producing electricity from wind; to the Committee on Finance.

Mr. SMITH. Mr. President, today I am introducing legislation to encourage a more environmentally friendly electricity future for the United States.

The bill I am introducing would provide for a ten-year extension of the tax credit for producing electricity from wind. I believe that an extension of this length will provide stability to this important emerging energy sector.

For the past several years, we have provided short-term extensions, sometimes retroactively, of this important tax incentive. The result has been that investors and utilities have been hesitant to commit the capital necessary to bring wind projects on line.

A major European wind turbine manufacturer had planned to build its first U.S. manufacturing facility in Portland, OR. The plant was expected to provide over 1,000 family-wage jobs once operational. Unfortunately, last November, the corporation announced it would put those plans on hold and lay off more than 500 employees. This happened at a time when Oregon already had one of the highest unemployment rates in the country.

The main reason given for putting on hold this facility was the failure of the Congress to clarify the production tax credit for wind energy. Slow demand in this economic downturn was also cited.

However, our economy is going to rebound. And when it does, the demand for electricity will increase. There is already over 180 megawatts of installed wind energy capacity, with another 150 megawatts of planned development. The Stateline Wind Energy Project, which straddles the Oregon-Washington border, has over 263 megawatts of installed capacity, making it the largest wind farm to date in the western United States.

When the Senate passed national energy legislation last year, there was a strong, bipartisan commitment to renewable energy resources. We can use the tax code to encourage the development of clean, renewable sources of electricity and a new generation of advanced technology vehicles. These vehicles can reduce our reliance on imported oil because their fuel efficiency is greatly improved and there are lower emissions of greenhouse gases and ozone-forming pollutants.

I have always held that if we use technology wisely, we can improve our environmental stewardship while maintaining our human stewardship and the standard of living we enjoy in this great Nation.

I would urge my colleague to join me in cosponsoring this important legislation.

By Ms. SNOWE:

S. 208. A bill to require the Secretary of Homeland Security to develop and implement a plan to provide security for cargo entering the United States or being transported in intrastate or interestate commerce; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation aimed at closing the dangerous cargo security loophole in our Nation's aviation security network.

In the wake of September 11 terrorist attacks, with the passage of the Aviation and Security Act of 2001, we reinvented aviation security. We overturned the status quo, and I am proud of the work we did. We put the Federal Government in charge of security and we have made significant strides toward restoring the confidence of the American people that it is safe to fly.

We no longer have a system in which the financial ''bottom line'' interferes with protecting the flying public. We also addressed the gamut of critical issues, including baggage screening, additional air marshals, cockpit security, and numerous other issues.

But there is more work to be done. We must not lose focus. If we are to fully confront the aviation security challenges we face in the after math of September 11, we must remain aggressive. We need a ''must-do'' attitude, not excuses about what ''can't be done,'' because we are only as safe as the weakest link in our aviation security system.

I believe one of the most troubling shortcomings, which persists to this day, is lax air cargo security infrastructure in this country. According to the GAO, a full 22 percent of all the cargo shipped by air in this country in 2000 was shipped on passenger flights and typically half of the hull of every passenger plane is filled with cargo. The Department of Transportation Inspector General has recommended that current air cargo controls be tightened, particularly the process for certifying freight forwarders and assessing their compliance with security requirements, and has warned that the existing screening system is ''easily circumvented.'' This must not be allowed to stand.

Moreover, according to a Washington Post report last summer, Internal Transportation Security Administration documents warn of an increased risk of an attack designed to exploit this vulnerability because TSA has been focused primarily on meeting its new mandates to screen passengers and luggage.

This is clear evidence that cargo security needs to be bolstered. And time is not on our side. We must act now. The bill I am introducing today is designed to tackle this issue by directing the TSA to submit a detailed cargo security plan to Congress that will address the shortcomings in the current system.

And while TSA is designing and implementing this plan, my bill would require interim security measures to be put in place immediately. The interim security plan would include random screening of at least 5 percent of all cargo, an authentication policy designed to ensure that terrorists are not able to impersonate legitimate shippers, audits of each phase of the shipping process in order to police compliance, training and background checks for cargo handlers, and funding for screening and detection equipment.

On September 11, terrorists exposed the vulnerability of our commercial aviation network in the most horrific fashion. The Aviation and Transportation Security Act of 2001 was a major step in the right direction, but we must always stay one step ahead of those who would commit vicious acts of violence on our soil aimed at innocent men, women, and children.

This bill is designed to build on the foundation we set in 2001. I urge my colleagues to join me in addressing this critical matter.

By Mrs. HUTCHISON (for herself, Mr. DURBIN, Mr. CORNYN, Mr. LEVIN, Mr. DEWINE, Mr. COCHRAN, Mr. FITZGERALD, and Mr. ALLEN):

S. 209. A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce legislation today that will enhance and encourage charitable giving in the United States. The Charitable IRA Rollover Act will allow individuals to rollover assets from an Individual Retirement Account, or ''IRA,'' to a charity without incurring income tax consequences.

One of my priorities has been to promote charitable giving and expand the role charities and faith-based institutions play in addressing social problems in the United States. I hope this legislation moves us further in that direction.

Government alone cannot solve society's most serious problems. In fact, government social programs often fail in their missions. The old welfare system is a perfect example of what often goes wrong when government tends to throw money at a problem.

Under the old system, while trying to help people, government actually encouraged them to stay on welfare. It encouraged out-of-wedlock births and discouraged fathers from living at home. Many of these unintended consequences were addressed with the welfare reform bill, which will be reauthorized this year. The success of these reforms are evident in welfare rolls, which have now dropped by half across the United States.

But government is not the solution. Charities change hearts and lives and have a superior track record to the government in tackling social ills.

America's top charities address a broad range of problems. From the Salvation Army to the Boys and Girls Clubs, and the American Cancer Society to the Red Cross, each plays a role in improving America's health, education and welfare. Their success has been documented. It has been demonstrated that mentors in the Big Brothers/Big Sisters program can cut drug abuse by 50 percent.

Charitable giving is an American tradition. Americans appreciate the role of charities and are actively involved in many philanthropic causes. Nearly half of all Americans volunteer in some capacity on a regular basis, including nearly 25 percent of Americans who are active volunteers in religious affiliated organizations. That is why it is logical to use faith-based organizations as a means of accomplishing objectives which can be more personal and tailored to the individual in need.

The legislation I am introducing today helps these organizations by making it easier for people to make charitable contributions. Individuals age 59½ and older will be able to move assets without penalty from an IRA directly to a charity or into a qualifying deferred charitable gift plan, such as a charitable remainder trust, pooled income fund or gift annuity. Current law requires taxpayers to first withdraw the IRA proceeds and pay taxes on them before contributing the remaining funds to a charity. While current law allows taxes on the withdrawal to be offset somewhat by the current charitable deduction, this ability is limited.

Americans currently hold more than $2 trillion in assets in IRAs, and nearly 40 percent of American households have IRAs. This bill would allow senior citizens who have provided well for their retirement to transfer IRA funds to charities without the government taking a slice. This will cut bureaucratic obstacles and disincentives to charitable giving and unlock a substantial amount of new funds that could flow to America's charitable organizations.

The time for promoting charitable giving has come.

This proposal benefits everyone involved. Individuals will be able to give more of their savings to charities of importance to them. Charities will benefit from increased philanthropy, enabling them to continue their important work. Those needing help will have increased access to services from these charities. And the government will have to take care of fewer of those in need as charities are better able to assume that burden.

This is not a partisan proposal. It is a common sense way to remove obstacles to charitable giving. Senators DURBIN and LEVIN are original co-sponsors of this legislation. I look forward to working with them, the White House and many other colleagues to pass this bill. I hope the Senate will join in this effort to provide a valuable source of philanthropy for our nation's charities.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Charitable IRA Rollover Act of 2003.''.

SEC. 2. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subsection (d) of section 408 of the Internal Revenue Code of 1986 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

''(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

''(A) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution from an individual retirement account to an organization described in section 170(c).

''(B) SPECIAL RULES RELATING TO CHARITABLE REMAINDER TRUSTS, POOLED INCOME FUNDS, AND CHARITABLE GIFT ANNUITIES.—

''(i) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution from an individual retirement account—

''(I) to a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)),

''(II) to a pooled income fund (as defined in section 642(c)(5)), or

''(III) for the issuance of a charitable gift annuity (as defined in section 501(m)(5)).

The preceding sentence shall apply only if no person holds an income interest in the amounts in the trust, fund, or annuity attributable to such distribution other than one or more of the following: the individual for whose benefit such account is maintained, the spouse of such individual, or any organization described in section 170(c).

''(ii) DETERMINATION OF INCLUSION OF AMOUNTS DISTRIBUTED.—In determining the amount includible in the gross income of any person by reason of a payment or distribution from a trust referred to in clause (i)(I) or a charitable gift annuity (as so defined), the portion of any qualified charitable distribution to such trust or for such annuity which would (but for this subparagraph) have been includible in gross income—

''(I) shall be treated as income described in section 664(b)(1), and

''(II) shall not be treated as an investment in the contract.

''(iii) NO INCLUSION FOR DISTRIBUTION TO POOLED INCOME FUND.—No amount shall be includible in the gross income of a pooled income fund (as so defined) by reason of a qualified charitable distribution to such fund.

''(C) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement account—

''(i) which is made on or after the date that the individual for whose benefit the account is maintained has attained age 59½, and

''(ii) which is made directly from the account to—

''(I) an organization described in section 170(c), or

''(II) a trust, fund, or annuity referred to in subparagraph (B).

''(D) DENIAL OF DEDUCTION.—The amount allowable as a deduction under section 170 to the taxpayer for the taxable year shall be reduced (but not below zero) by the sum of the amounts of the qualified charitable distributions during such year which would be includible in the gross income of the taxpayer for such year but for this paragraph.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

Mr. DURBIN. Mr. President, I am pleased to introduce, along with Senator KAY BAILEY HUTCHISON, the charitable IRA Rollover Act of 2003. We have introduced this legislation in the last two Congresses. Senator HUTCHISON and I sincerely hope that this legislation will finally become law this year.

The IRA Charitable Rollover Act has the support of numerous charitable organizations across the United States. The effect of this bill would be to unlock billions of dollars in savings Americans hold and make them available to charities. Our legislation will allow individuals to roll assets from an Individual Retirement Account into a charity or a deferred charitable gift plan without incurring any income tax consequences. Thus, the donation

would be made to charity without ever withdrawing it as income and paying tax on it.

Americans currently hold about $2 trillion in assets in IRAs. This represents over one-fifth of Americans' total retirement market assets and will likely grow due to the increased contribution limits enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001. Recent studies show that assets of qualified retirement plans, such as IRAs, comprise a substantial part of peoples' net worth. Many of these individuals would like to give a portion of these assets to charity, but are reluctant to do so because of the tax consequences.

Under our current law, if money from an IRA is transferred to a charitable organization or into a charitable remainder trust, donors are required to recognize that as income. Therefore, absent the changes called for in the legislation, the donor will have taxable income in the year the gift is funded. This is a huge disincentive contained in our complicated and burdensome tax code. This legislation will unleash a critical source of funding for our Nation's charities. This legislation will provide millions of Americans with a commonsense way to remove obstacles to private charitable giving.

Under the Hutchison-Durbin plan, an individual, upon reaching age 59½, could move assets penalty- and tax-free from an IRA directly to charity or into a qualifying deferred charitable gift plan—e.g. charitable remainder trusts, pooled income funds and gift annuities. In the latter case the donor would be able to receive an income stream from the retirement plan assets, which would be taxed according to normal rules. Upon the death of the individual, the remainder would be transferred to charity tax free.

There are numerous supporters of this legislation including the Art Institute of Chicago, the University of Chicago, the Field Museum, the Catholic Diocese of Peoria, Northwestern University, the Chicago Symphony Orchestra, Georgetown University, and others. There are over 100 groups in Illinois alone that support this sensible legislation.

I hope the Senate will join in this bipartisan effort to provide a valuable new source of philanthropy for our Nation's charities. I hope that our colleagues will cosponsor this important piece of legislation and that it will be enacted into law this year. I thank the Senator from Texas, Senator HUTCHISON, for working with me and my staff in this effort.

By Mr. BINGAMAN.

S. 210. A bill to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased today to again introduce legislation to protect several important archaeological sites in the Galisteo Basin in New Mexico. This bill identifies approximately two dozen sites in northern New Mexico which contain the ruins of pueblos dating back almost 900 years. When Coronado and other Spanish conquistadors first entered what is now New Mexico in 1541, they encountered a thriving Pueblo culture with its own unique tradition of religion, architecture and art, which was influenced through an extensive trade system. We know that these sites remain occupied up through the Pueblo revolt in 1680. After that, the sites were deserted, although we still don't know why they were abandoned, after over 700 years of continuous use.

Through these sites, we have the opportunity to learn more not only about the history and culture of these Pueblos, but also about the first interaction between European and Native American cultures. The Cochiti Pueblo, in particular, is culturally and historically tied to these sites, which have tremendous historical and religious significance to the Pueblo. I am grateful for the continued support of the Pueblo de Cochiti for this legislation. This bill has strong local support, including the Santa Fe Board of County Commissioners, the City of Santa Fe, and the Archdiocese of Santa Fe. I would also like to thank the Archaeological Conservancy for its efforts over the past several years to identify and protect many of these sites, and in helping with this legislation.

Many of these archaeological sites are on Federal land administered by the Bureau of Land Management. BLM archaeologists have already provided extensive background research on many of these sites, and I was pleased that the agency supported a similar bill I introduced in the previous Congress. Last Congress the Energy and Natural Resources Committee held a hearing on this bill in Santa Fe. It was clear from that hearing that there is strong local support for protecting these sites. In fact nobody testified in opposition to the bill, at either the Santa Fe or Washington hearings.

This bill simply authorizes the BLM to work in a cooperative manner with interested landowners to protect sites on Federal and non-Federal lands. Last Congress we included several provisions to make clear that the bill did not infringe on private property rights.

Although the bill is non-controversial, we have been unable to get the legislation passed through both the House and Senate, although last Congress I was pleased that bill was favorably reported by the Energy and Natural Resources Committee and passed by the Senate as part of a larger public lands bill. In the years since I first introduced this bill, many irreplaceable archaeological resources have been lost, whether by vandalism, erosion, or other means. Enactment of the Galisteo Basin Archaeological Sites Protection Act will allow us to take the steps necessary to protect these resources and to allow for improved public understanding and interpretation of these sites.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 210

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Galisteo Basin Archaeological Sites Protection Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Galisteo Basin and surrounding area of New Mexico is the location of many well preserved prehistoric and historic archaeological resources of Native American and Spanish colonial cultures;

(2) these resources include the largest ruins of Pueblo Indian settlements in the United States, spectacular examples of Native American rock art, and ruins of Spanish colonial settlements; and

(3) these resources are being threatened by natural causes, urban development, vandalism, and uncontrolled excavations.

(b) PURPOSE.—The purpose of this Act is to provide for the preservation, protection, and interpretation of the nationally significant archaeological resources in the Galisteo Basin in New Mexico.

SEC. 3. GALISTEO BASIN ARCHAEOLOGICAL PROTECTION SITES.

(a) IN GENERAL.—The following archaeological sites located in the Galisteo Basin in the State of New Mexico, totaling approximately 4,591 acres, are hereby designated as Galisteo Basin Archaeological Protection Sites:

Name	*Acres*
Arroyo Hondo Pueblo	21
Burnt Corn Pueblo	110
Chamisa Locita Pueblo	16
Comanche Gap Petroglyphs	764
Espinoso Ridge Site	160
La Cienega Pueblo & Petroglyphs	126
La Cienega Pithouse Village	179
La Cieneguilla Petroglyphs/Camino Real Site	531
La Cieneguilla Pueblo	11
Lamy Pueblo	30
Lamy Junction Site	80
Las Huertas	44
Pa'ako Pueblo	29
Petroglyph Hill	130
Pueblo Blanco	878
Pueblo Colorado	120
Pueblo Galisteo/Las Madres	133
Pueblo Largo	60
Pueblo She	120
Rote Chert Quarry	5
San Cristobal Pueblo	520
San Lazaro Pueblo	360
San Marcos Pueblo	152
Upper Arroyo Hondo Pueblo	12
Total Acreage	4,591

(b) AVAILABILITY OF MAPS.—The archaeological protection sites listed in subsection (a) are generally depicted on a series of 19 maps entitled ''Galisteo Basin Archaeological Protection Sites'' and dated July, 2002. The Secretary of the Interior (hereinafter referred to as the ''Secretary'') shall keep the maps on file and available for public inspection in appropriate offices in New Mexico of the Bureau of Land Management and the National Park Service.

(c) BOUNDARY ADJUSTMENTS.—The Secretary may make minor boundary adjustments to the archaeological protection sites

by publishing notice thereof in the Federal Register.

SEC. 4. ADDITIONAL SITES.

(a) IN GENERAL.—The Secretary shall—

(1) continue to search for additional Native American and Spanish colonial sites in the Galisteo Basin area of New Mexico; and

(2) submit to Congress, within three years after the date funds become available and thereafter as needed, recommendations for additions to, deletions from, and modifications of the boundaries of the list of archaeological protection sites in section 3 of this Act.

(b) ADDITIONS ONLY BY STATUTE.—Additions to or deletions from the list in section 3 shall be made only by an Act of Congress.

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—

(1) The Secretary shall administer archaeological protection sites located on Federal land in accordance with the provisions of this Act, the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), and other applicable laws in a manner that will protect, preserve, and maintain the archaeological resources and provide for research thereon.

(2) The Secretary shall have no authority to administer archaeological protection sites which are on non-Federal lands except to the extent provided for in a cooperative agreement entered into between the Secretary and the landowner.

(3) Nothing in this Act shall be construed to extend the authorities of the Archaeological Resources Protection Act of 1979 or the Native American Graves Protection and Repatriation Act to private lands which are designated as an archaeological protection site.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Within three complete fiscal years after the date funds are made available, the Secretary shall prepare and transmit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, a general management plan for the identification, research, protection, and public interpretation of—

(A) the archaeological protection sites located on Federal land; and

(B) for sites on State or private lands for which the Secretary has entered into cooperative agreements pursuant to section 6 of this Act.

(2) CONSULTATION.—The general management plan shall be developed by the Secretary in consultation with the Governor of New Mexico, the New Mexico State Land Commissioner, affected Native American pueblos, and other interested parties.

SEC. 6. COOPERATIVE AGREEMENTS.

The Secretary is authorized to enter into cooperative agreements with owners of non-Federal lands with regard to an archaeological protection site, or portion thereof, located on their property. The purpose of such an agreement shall be to enable the Secretary to assist with the protection, preservation, maintenance, and administration of the archaeological resources and associated lands. Where appropriate, a cooperative agreement may also provide for public interpretation of the site.

SEC. 7. ACQUISITIONS.

(a) IN GENERAL.—The Secretary is authorized to acquire lands and interests therein within the boundaries of the archaeological protection sites, including access thereto, by donation, by purchase with donated or appropriated funds, or by exchange.

(b) CONSENT OF OWNER REQUIRED.—The Secretary may only acquire lands or interests therein with the consent of the owner thereof.

(c) STATE LANDS.—The Secretary may acquire lands or interests therein owned by the State of New Mexico or a political subdivision thereof only by donation or exchange, except that State trust lands may only be acquired by exchange.

SEC. 8. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the archaeological protection sites are hereby withdrawn—

(1) from all forms of entry, appropriation, or disposal under the public land laws and all amendments thereto;

(2) from location, entry, and patent under the mining law and all amendments thereto; and

(3) from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

SEC. 9. SAVINGS PROVISIONS.

Nothing in this Act shall be construed—

(1) to authorize the regulation of privately owned lands within an area designated as an archaeological protection site;

(2) to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of privately owned lands;

(3) to modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to manage or regulate any use of land as provided for by law or regulation; or

(4) to restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 211. A bill to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to reintroduce legislation to establish the Northern Rio Grande National Heritage Area in northern New Mexico. I am pleased that Senator DOMENICI is again joining me in sponsoring this bill. The Northern Rio Grande National Heritage Area will be established as part of a collaborative effort between local residents, Indian tribes, businesses and local governments, who are working together to preserve the area.

By establishing the Northern Rio Grande National Heritage Area, I hope to commemorate the significant but complex heritage of northern New Mexico communities and Indian tribes, from the pre-Spanish colonization period to present day. Establishing a National Heritage Area will benefit the northern New Mexico communities, local residents, students, and visitors, as well as help the local protection and interpretation of the unique cultural, historical, and natural resources of northern New Mexico.

Last Congress, similar legislation was considered and favorably reported from the Committee on Energy and Natural Resources and passed by the Senate by unanimous consent as part of a comprehensive heritage area bill. Unfortunately, the House was not able to consider the bill prior to the sine die adjournment of the Congress. Since the bill is non-controversial and has already passed the Senate, it is my hope that we will be able to move it through the Committee and to the floor as soon as possible.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 211

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Northern Rio Grande National Heritage Area Act''.

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) northern New Mexico encompasses a mosaic of cultures and history, including eight Pueblos and the descendants of Spanish ancestors who settled in the area in 1598;

(2) the combination of cultures, languages, folk arts, customs, and architecture make northern New Mexico unique;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local governments and interested individuals to establish a National Heritage Area to coordinate and assist in the preservation and interpretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several alternatives consistent with the establishment of a National Heritage Area, including conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in northern New Mexico would assist local communities and residents in preserving these unique cultural, historical and natural resources.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term ''heritage area'' means the Northern Rio Grande Heritage Area; and

(2) the term ''Secretary'' means the Secretary of the Interior.

SEC. 4. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Northern Rio Grande National Heritage Area in the State of New Mexico.

(b) BOUNDARIES.—The heritage area shall include the counties of Santa Fe, Rio Arriba, and Taos.

(c) MANAGEMENT ENTITY.—

(1) The Northern Rio Grande National Heritage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the management entity for the heritage area.

(2) The Board of Directors for the management entity shall include representatives of the State of New Mexico, the counties of Santa Fe, Rio Arriba and Taos, tribes and pueblos within the heritage area, the cities of Santa Fe, Espanola and Taos, and members of the general public. The total number of Board members and the number of Directors representing State, local and tribal governments and interested communities shall be established to ensure that all parties have appropriate representation on the Board.

SEC. 5. AUTHORITY AND DUTIES OF THE MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—

(1) Not later than 3 years after the date of enactment of this Act, the management entity shall develop and forward to the Secretary a management plan for the heritage area.

(2) The management entity shall develop and implement the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(3) The management plan shall, at a minimum—

(A) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(B) identify sources of funding.

(C) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(D) provide recommendations for educational and interpretive programs to inform the public about the resources of the heritage area; and

(E) include an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this Act.

(4) If the management entity fails to submit a management plan to the secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal funding under this Act until such time as a plan is submitted to the Secretary.

(5) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission. If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the plan.

(6) The management entity shall periodically review the management plan and submit to the Secretary any recommendations for proposed revisions to the management plan. Any major revisions to the management plan must be approved by the Secretary.

(b) AUTHORITY.—The management entity may make grants and provide technical assistance to tribal and local governments, and other public and private entities to carry out the management plan.

(c) DUTIES.—The management entity shall—

(1) give priority in implementing actions set forth in the management plan;

(2) coordinate with tribal and local governments to better enable them to adopt land use policies consistent with the goals of the management plan;

(3) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

(4) assist local and tribal governments and non-profit organizations in—

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological and natural resources and sits in the heritage area;

(D) the restoration of historic structures related to the heritage area; and

(E) carrying out other actions that the management entity determines appropriate to fulfill the purposes of this Act, consistent with the management plan.

(d) PROHIBITION ON ACQUIRING REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property or an interest in real property.

(e) PUBLIC MEETINGS.—The management entity shall hold public meetings at least annually regarding the implementation of the management plan.

(f) ANNUAL REPORTS AND AUDITS.—

(1) For any year in which the management entity receives Federal funds under this Act, the management entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.

(2) The management entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

SEC. 6. DUTIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon request of the management entity, provide technical and financial assistance to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, archaeological, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities consistent with the resources and associated values of the heritage area.

SEC. 7. SAVINGS PROVISIONS.

(a) NO EFFECT ON PRIVATE PROPERTY.—Nothing in this Act shall be construed—

(1) to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of privately owned lands; or

(2) to grant the management entity any authority to regulate the use of privately owned lands.

(b) TRIBAL LANDS.—Nothing in this Act shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

(c) AUTHORITY OF GOVERNMENTS.—Nothing in this Act shall—

(1) modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to manage or regulate any use of land as provided for by law or regulation; or

(2) authorize the management entity to assume any management authorities over such lands.

(d) TRUST RESPONSIBILITIES.—Nothing in this Act shall diminish the Federal Government's trust responsibilities or government-to-government obligations to any federally recognized Indian tribe.

SEC. 8. SUNSET.

The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this Act shall be not more than 50 percent.

By Mr. BINGAMAN (for himself, Mr. BROWNBACK, and Mr. DOMENICI):

S. 212. A bill to authorize the Secretary of the Interior to cooperate with the High Plains States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill that has significance for the entire Great Plains region of our Nation. It will establish a program for the hydrogeologic characterization, mapping, modeling and monitoring of the High Plains Aquifer, which extends from Wyoming to New Mexico and Texas. This legislation was the subject of a hearing last Congress before the Water and Power Subcommittee of the Senate Energy and Natural Resources Committee. It is the same as legislation that was unanimously agreed to by the full Senate last year. I am pleased to be joined by Senators BROWNBACK and DOMENICI in introducing this bill.

The High Plains Aquifer, which is comprised in large part by the Ogallala Aquifer, extends under eight states: Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming. It is experiencing alarming declines in its water levels. This aquifer is the source of water for farmers and communities throughout the Great Plains region. The legislation I am introducing today is intended to ensure that sound and objective science is available with respect to the hydrology and geology of the High Plains Aquifer.

This bill, the ''High Plains Aquifer Hydrogeologic Characterization, Mapping, Modeling and Monitoring Act,'' would direct the Secretary of the Interior to develop and carry out a comprehensive hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer. The Secretary is directed to work in conjunction with the eight High Plains Aquifer States in carrying out this program. The U.S. Geological Survey and the States will work in cooperation to further the goals of this program, with half of the available funds directed to the State component of the program.

A reliable source of groundwater is essential to the well-being and livelihoods of people in the Great Plains region. Local towns and rural areas are dependent on the use of groundwater for drinking water, ranching, farming, and other commercial uses. Yet many areas overlying the Ogallala Aquifer have experienced a dramatic depletion of this groundwater resource. The problem we are confronting is that the aquifer is not sustainable, and it is being depleted rapidly. This threatens the way of life of all who live on the High Plains.

The bill I am introducing today would help ensure that the relevant science needed to address this problem is available so that we will have a better understanding of the resources of

the High Plains Aquifer. I ask that my colleagues join me in once again supporting this bill.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 212

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''High Plains Aquifer Hydrogeologic Characterization, Mapping, Modeling and Monitoring Act''.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) ASSOCIATION.—The term ''Association'' means the Association of American State Geologists.

(2) COUNCIL.—The term ''Council'' means the Western States Water Council.

(3) DIRECTOR.—The term ''Director'' means the Director of the United States Geological Survey.

(4) FEDERAL COMPONENT.—The term ''Federal component'' means the Federal component of the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program described in section 3(c).

(5) HIGH PLAINS AQUIFER.—The term ''High Plains Aquifer'' is the groundwater reserve depicted as Figure 1 in the United States Geological Survey Professional Paper 1400–B, titled ''Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.''.

(6) HIGH PLAINS AQUIFER STATES.—The term ''High Plains Aquifer States'' means the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas and Wyoming.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) STATE COMPONENT.—The term ''State component'' means the State component of the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program described in section 3(d).

SEC. 3. ESTABLISHMENT.

(a) PROGRAM.—The Secretary, working through the United States Geological Survey, and in cooperation with participating State geological surveys and water management agencies of the High Plains Aquifer States, shall establish and carry out the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program, for the purposes of the characterization, mapping, modeling, and monitoring of the High Plains Aquifer. The Program shall undertake on a county-by-county level or at the largest scales and most detailed levels determined to be appropriate on a state-by-state and regional basis: (1) mapping of the hydrogeological configuration of the High Plains Aquifer; and (2) with respect to the High Plains Aquifer, analyses of the current and past rates at which groundwater is being withdrawn and recharged, the net rate of decrease or increase in High Plains Aquifer storage, the factors controlling the rate of horizontal and vertical migration of water within the High Plains Aquifer, and the current and past rate of change of saturated thickness within the High Plains Aquifer. The Program shall also develop, as recommended by the State panels referred to in subsection (d)(1), regional data bases and groundwater flow models.

(b) FUNDING.—The Secretary shall make available fifty percent of the funds available pursuant to this title for use in carrying out the State component of the Program, as provided for by subsection (d).

(c) FEDERAL PROGRAM COMPONENT.—

(1) PRIORITIES.—The Program shall include a Federal component, developed in consultation with the Federal Review Panel provided for by subsection (e), which shall have as its priorities—

(A) coordinating Federal, State, and local, data, maps, and models into an integrated physical characterization of the High Plains Aquifer;

(B) supporting State and local activities with scientific and technical specialists; and

(C) undertaking activities and providing technical capabilities not available at the State and local levels.

(2) INTERDISCIPLINARY STUDIES.—The Federal component shall include interdisciplinary studies that add value to hydrogeologic characterization, mapping, modeling and monitoring for the High Plains Aquifer.

(d) STATE PROGRAM COMPONENT.—

(1) PRIORITIES—Upon election by a High Plains Aquifer State, the State may participate in the State component of the Program which shall have as its priorities hydrogeologic characterization, mapping, modeling, and monitoring activities in areas of the High Plains Aquifer that will assist in addressing issues relating to groundwater depletion and resource assessment of the Aquifer. As a condition of participating in the State component of the Program, the Governor or Governor's designee shall appoint a State panel representing a broad range of users of, and persons knowledgeable regarding, hydrogeologic data and information, which shall be appointed by the Governor of the State or the Governor's designee. Priorities under the State component shall be based upon the recommendations of the State panel.

(2) AWARDS.—(A) Twenty percent of the Federal funds available under the State component shall be equally divided among the State geological surveys of the High Plains Aquifer States to carry out the purposes of the Program provided for by this title. In the event that the State geological survey is unable to utilize the funding for such purposes, the Secretary may, upon the petition of the Governor of the State, direct the funding to some other agency of the State to carry out the purposes of the Program.

(B) In the case of a High Plains Aquifer State that has elected to participate in the State component of the Program, the remaining funds under the State component shall be competitively awarded to State or local agencies or entities in the High Plains Aquifer States, including State geological surveys, State water management agencies, institutions of higher education, or consortia of such agencies or entities. A State may submit a proposal for the United States Geological Survey to undertake activities and provide technical capabilities not available at the State and local levels. Such funds shall be awarded by the Director only for proposals that have been recommended by the State panels referred to in subsection (d)(1), subjected to independent peer review, and given final prioritization and recommendation by the Federal Review Panel established under subsection (e). Proposals for multistate activities must be recommended by the State panel of at least one of the affected States.

(e) FEDERAL REVIEW PANEL.—

(1) ESTABLISHMENT.—There shall be established a Federal Review Panel to evaluate the proposals submitted for funding under the State component under subsection (d)(2)(B) and to recommend approvals and levels of funding. In addition, the Federal Review Panel shall review and coordinate the Federal component priorities under subsection (c)(1), Federal interdisciplinary studies under subsection (c)(2), and the State component priorities under subsection (d)(1).

(2) COMPOSITION AND SUPPORT.—Not later than 3 months after the date of enactment of this title, the Secretary shall appoint to the Federal Review Panel: (1) three representatives of the United States Geological Survey, at least one of which shall be a hydrologist or hydrogeologist; and (2) four representatives of the geological surveys and water management agencies of the High Plains Aquifer States from lists of nominees provided by the Association and the Council, so that there are two representatives of the State geological surveys and two representatives of the State water management agencies. Appointment to the Panel shall be for a term of 3 years. The Director shall provide technical and administrative support to the Federal Review Panel. Expenses for the Federal Review Panel shall be paid from funds available under the Federal component of the Program.

(f) LIMITATION.—The United States Geological Survey shall not use any of the Federal funds to be made available under the State component for any fiscal year to pay indirect, servicing, or Program management charges. Recipients of awards granted under subsection (d)(2)(B) shall not use more than 18 percent of the Federal award amount for any fiscal year for indirect, servicing, or Program management charges. The Federal share of the costs of an activity funded under subsection (d)(2)(B) shall be no more than 50 percent of the total cost of that activity. The Secretary may apply the value of in-kind contributions of property and services to the non-Federal share of the costs of the activity.

SEC. 4. PLAN.

The Secretary, acting through the Director, shall, in consultation with the Association, the Council, the Federal Review Panel, and the State panels, prepare a plan for the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program. The plan shall address overall priorities for the Program and a management structure and Program operations, including the role and responsibilities of the United States Geological Survey and the States in the Program, and mechanisms for identifying priorities for the Federal component and the State component.

SEC. 5. REPORTING REQUIREMENTS.

(a) REPORT ON PROGRAM IMPLEMENTATION.—One year after the date of enactment of this Act, and every 2 years thereafter through fiscal year 2011, the Secretary shall submit a report on the status of implementation of the Program established by this Act to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Governors of the High Plains Aquifer States. The initial report submitted by the Secretary shall contain the plan required by section 4.

(b) REPORT ON HIGH PLAINS AQUIFER.—One year after the date of enactment of this Act and every year thereafter through fiscal year 2011, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Governors of the High Plains Aquifer States on the status of the High Plains Aquifer, including aquifer recharge rates, extraction rates, saturated thickness, and water table levels.

(c) ROLE OF FEDERAL REVIEW PANEL.—The Federal Review Panel shall be given an opportunity to review and comment on the reports required by this section.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2011 to carry out this Act .

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 213. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am pleased to introduce the Albuquerque Biological Park Title Clarification Act with the support of my colleague Senator DOMENICI. This bill, which passed the Senate during the 107th Congress, would assist the City of Albuquerque, by clearing its title to two parcels of land located along the Rio Grande. More specifically, it would allow the City to move forward with its plans to improve the properties as part of a Biological Park Project, a city funded initiative to create a premier environmental educational center for its citizens and the entire State of New Mexico.

The Biological Park Project has been in the works since 1987 when the City began to develop an aquarium and botanic garden along the banks of the Rio Grande. The facilities constitute just a portion of the overall project. In pursuit of the balance of the project, the City, in 1997, purchased two properties from the Middle Rio Grande Conservancy District, (MRGCD), for $3,875,000. The first property, Tingley Beach has been leased by the City from MRGCD since 1931 and used for public park purposes. The second property, San Gabriel Park, has been leased by the City since 1963, and also used for public park purposes.

In the year 2000, the City's plans were interrupted when the U.S. Bureau of Reclamation asserted that in 1953, in had acquired ownership of all of MRGCD's property associated with the Middle Rio Grande Project. The United States' assertion called into question the validity of the 1997 transaction between the City and MRGCD. Both MRGCD and the City dispute the United States' claim of ownership.

This dispute is delaying the City's progress in developing the Biological Park Project. If the matter is simply left to litigation, the delay with be both indefinite and unnecessary. Reclamation has already determined that the two properties are surplus to the needs of the Middle Rio Grande Project. Moreover, the record indicates that Reclamation had once considered releasing its interest in the properties for $1.00 each. Obviously, the Federal interest in these properties is low while the local interest is very high. This bill is narrowly tailored to address this local interest, affecting only the two properties at issue. The general dispute concerning title to project works is left for the courts to decide.

I hope my colleagues will work with me to help resolve this issue which is important to the citizens of my State. While much of what we do here in the Congress is complex and time-consuming work, we should also have the ability to move quickly when necessary and appropriate to solve local problems caused by Federal actions. I therefore urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 213

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Albuquerque Biological Park Title Clarification Act''.

SEC 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that:

(1) In 1997, the City of Albuquerque, New Mexico paid $3,875,000 to the Middle Rio Grande Conservancy District to acquire two parcels of land known as Tingley Beach and San Gabriel Park.

(2) The City intends to develop and improve Tingley Beach and San Gabriel Park as part of its Albuquerque Biological Park Project.

(3) In 2000, the United States claimed title to Tingley Beach and San Gabriel Park by asserting that these properties were transferred to the United States in the 1950's as part of the establishment of the Middle Rio Grande Project.

(4) The City's ability to continue developing the Albuquerque Biological Park Project has been hindered by the United States claim of title to these properties.

(5) The United States claim of ownership over the Middle Rio Grande Project properties is disputed by the City and MRGCD in *Rio Grande Silvery Minnow v. John W. Keys, III*, No. CV 99–1320 JP/RLP-ACE (D. N.M. filed Nov. 15, 1999).

(6) Tingley Beach and San Gabriel Park are surplus to the needs of the Bureau of Reclamation and the United States in administering the Middle Rio Grande Project.

(b) PURPOSE.—The purpose of this Act is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach or San Gabriel Park to the City, thereby removing the cloud on the City's title to these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the City of Albuquerque, New Mexico.

(2) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The terms ''Middle Rio Grande Conservancy District'' and ''MRGCD'' mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(3) MIDDLE RIO GRANDE PROJECT.—The term ''Middle Rio Grande Project'' means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80–858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81–516; 64 Stat. 170).

(4) SAN GABRIEL PARK.—The term ''San Gabriel Park'' means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(5) TINGLEY BEACH.—The term ''Tingley Beach'' means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

SEC. 4. CLARIFICATION OF PROPERTY INTEREST.

(a) REQUIRED ACTION.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach and San Gabriel Park to the City.

(b) TIMING.—The Secretary shall carry out the action in subsection (a) as soon as practicable after the date of enactment of this title and in accordance with all applicable law.

(c) NO ADDITIONAL PAYMENT.—The City shall not be required to pay any additional costs to the United States for the value of San Gabriel Park and Tingley Beach.

SEC. 5. OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.

(a) IN GENERAL.—Except as expressly provided in section 4, nothing in this Act shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(b) ONGOING LITIGATION.—Nothing contained in this Act shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, No. CV 99–1320 JP/RLP–ACE, entitled *Rio Grande Silvery Minnow v. John W. Keys, III*, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 214. A bill to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce, along with my colleague Senator DOMENICI, legislation to designate Fort Bayard in New Mexico as a National Historic Landmark.

Fort Bayard is significant not only for the role it played as a military post in fostering early settlement in the region, but for its role as a nationally important tuberculosis sanatorium and hospital. During the 99 years spanning its establishment in 1866 through its closing as a Veterans Administration hospital in 1965, Fort Bayard served as the most prominent evidence of the Federal Government's role in southwestern New Mexico. Fort Bayard has recently been listed on the National Register of Historic Places in recognition of the historical significance of the site.

From 1866 to 1899, Fort Bayard functioned as an Army post while its soldiers, many of them African-American, or Buffalo Soldiers, protected settlers working in the nearby mining district. These Buffalo Soldiers were a mainstay of the Army during the late Apache wars and fought heroically in numerous skirmishes. Like many soldiers who served at Fort Bayard, some of the Buffalo Soldiers remained in the area following their discharge. Lines of headstones noting the names of men and their various Buffalo Soldier units remain in the older section of what is now the National Cemetery. In 1992, these soldiers were recognized for their bravery when a Buffalo Soldier Memorial statue was dedicated at the center of the Fort Bayard parade ground. It gradually became apparent that the Army's extensive frontier fort system was no longer necessary. By 1890, it was clear that the era of the western frontier, at least from the Army's perspective, had ended. Fort Bayard was scheduled for closure in 1899.

Even as the last detachment of the 9th U.S. Cavalry prepared to depart the discontinued post, new federal occupants were arriving at Fort Bayard. On August 28, 1899, the War Department authorized the surgeon-general to establish a general hospital for use as a military sanatorium. This would be the first sanatorium dedicated to the treatment of officers and enlisted men of the Army suffering from pulmonary tuberculosis. At 6,100 ft. and with a dry, sunny climate, the fort lay within what proponents of climatological therapy termed the ''zone of immunity.'' By 1919, the cumulative effect of over 15 years of construction and improvement projects was the creation of a small, nearly self-sufficient community.

In 1920, the War Department closed the sanatorium and the United States Public Health Service assumed control of the facility. A second phase occurred in 1922 when a new agency, the Veterans' Bureau, was created within the Treasury Department and charged with operating hospitals throughout the country whose clientele were veterans requiring medical services. As a result, in the summer of 1922 the United States General Hospital at Fort Bayard was transferred to the Veterans' Bureau and became known as United States Veterans' Hospital No. 55. Its mission of treating those afflicted with tuberculosis, however, remained the same.

By 1965, there was no longer a need for a tuberculosis facility located at a high elevation in a dry climate, and the Veterans' Administration decided to close the hospital in that year. However, in part because of the concerns of the local communities that depended upon the hospital, the State of New Mexico assumed responsibility for the facility and 484 acres of the former military reservation. Since then, the State has used it for geriatric, as well as drug and alcohol rehabilitation and orthopedic programs. Because of the extensive cemetery dating to the fort and sanatorium eras at Fort Bayard, the State of New Mexico transferred 16 acres in 1975 for the creation of the Fort Bayard National Cemetery, administered by the Veterans' Administration.

For these and many other reasons, I believe it is clear that Fort Bayard is historically significant and merits recognition as a National Historic Landmark. Fort Bayard illuminates a rich and complex story that is important to the entire nation.

Last Congress identical legislation was considered and favorably reported by the Energy and Natural Resources Committee and included in a larger package of public land bills which passed the Senate by unanimous consent. Since there is broad local support for the bill, and it has already received the approval of the Senate, it is my hope that we can expeditiously consider the bill this year.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 214

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fort Bayard National Historic Landmark Act''.

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) Fort Bayard, located in southwest New Mexico, was an Army post from 1866 and 1899, and served an important role in the settlement of New Mexico;

(2) among the troops stationed at the fort were several ''Buffalo Soldier'' units who fought in the Apache Wars;

(3) following its closure as a military post, Fort Bayard was established by the War Department as general hospital for use as a military sanatorium;

(4) in 1965 the State of New Mexico assumed management of the site and currently operates the Fort Bayard State Hospital;

(5) the Fort Bayard historic site has been listed on the National Register of Historic Places in recognition of the national significance of its history, both as a military fort and as an historic medical facility.

SEC. 3. FORT BAYARD NATIONAL HISTORIC LANDMARK.

(a) DESIGNATION.—The Fort Bayard Historic District in Grant County, New Mexico, as listed on the National Register of Historic Places, is hereby designated as the Fort Bayard National Historic Landmark.

(b) ADMINISTRATION.—

(1) Consistent with the Department of the Interior's regulations concerning National Historic Landmarks (36 C.F.R. Part 65), designation of the Fort Bayard Historic District as a National Historic Landmark shall not prohibit under Federal law or regulations any actions which may otherwise be taken by the property owner with respect to the property.

(2) Nothing in this Act shall affect the administration of the Fort Bayard Historic District by the State of New Mexico.

SEC. 4. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—The Secretary, in consultation with the State of New Mexico, may enter into cooperative agreements with appropriate public or private entities, for the purpose of protecting historic resources at Fort Bayard and providing educational and interpretive facilities and programs for the public. The Secretary shall not enter into any agreement or provide assistance to any activity affecting Fort Bayard State Hospital without the concurrence of the State of Mexico.

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide technical and financial assistance with any entity with which the Secretary has entered into a cooperative agreement under subsection (a) in furtherance of the agreement.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mrs. FEINSTEIN (for herself, Mr. BOND, Mr. LEAHY, Mr. LIEBERMAN, Mr. GREGG, Mrs. MURRAY, Mr. JOHNSON, Mrs. CLINTON, Mr. BREAUX, and Mr. FEINGOLD):

S. 215. A bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard; to the Committee on Armed Services.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to give the National Guard an enhanced role in homeland security. I am pleased that Senators BOND, LEAHY, LIEBERMAN, GREGG, MURRAY, JOHNSON, CLINTON, BREAUX, and FEINGOLD join me as cosponsors of the bill.

In essence, the bill would permit each governor to create a homeland security activities plan for the National Guard in his or her State, and authorize the Secretary of Defense to provide oversight and funding for such plans.

The legislation is modeled after the existing successful National Guard counterdrug program, which was established under 32 U.S.C. sect. 112.

Under this program, the National Guard is used to provide support to law enforcement to help stop illegal drugs from being imported, manufactured, and distributed, and in supporting drug demand reduction programs.

The bill is supported by the co-chairs of the Senate National Guard Caucus, the National Governors' Association, the Adjutants General Association of the United States, the National Guard Association of the United States, and National Guardsmen across the country.

Giving the Guard an enhanced role in homeland security makes sense because the Guard connects local communities to the Federal Government, is located in almost every American community, and has the capabilities, legal authority, and structure to help respond to attacks on the homeland.

In addition, such an enhanced role would return the National Guard more to what was envisioned by the founders of this country.

Colonial militias protected their fellow citizens from Indian attack, foreign invaders, and later helped win the Revolutionary War.

And during the 19th century, the militia provided the bulk of the troops during the Mexican war, the early years of the Civil War, and the Spanish-American War.

It was not until 1903 that Congress passed legislation to increase the role of the National Guard as a Reserve force for the U.S. Army

Now, the National Guard has a dual Federal/State mission. In their role as State militias, Guard units are often activated for homeland duty under Title 32 and thus come under the command of the State governor.

In this status, they are exempt from the Posse Comitatus Act, which generally restricts law enforcement to civil authorities, and thus are used as the armed forces' primary provider of support to civil authorities.

The National Guard's access to military command and control, discipline, training, and equipment also makes it well suited to coordinate with and aid police, fire, medical, and other emergency responders.

The Army National Guard maintains over 3,000 armories around the Nation and the Air National Guard has 140 units throughout the United States.

There are about 460,000 National Guard members that train throughout the year, 353,000 Army National Guard and 106,000 Air National Guard.

The approximate numbers of National Guard in individual States run from about 1,000 to 21,000, and vary according to the population of the State and recruitment efforts.

In light of the September 11 attacks on the World Trade Center and Pentagon as well as the October 2001 anthrax attacks on Congress and the media, many of us have come to believe that the National Guard should play a more central role in responding to terrorist attacks, particularly those with weapons of mass destruction.

In fact, the Guard has already played an important role in helping respond to these attacks, not only at the site of the attacks but also at airports, around the Capitol, and elsewhere.

For example, the National Guard currently has a number of Civil Support Teams that assess a suspected weapon of mass destruction event, advise first responders, and facilitate the assistance of additional military forces, if needed.

The National Guard is well-suited to performing an enhanced homeland security mission for many reasons. These reasons include that the fact the Guard is already: deployed in communities around the country; integrated into existing local, State, and regional emergency response networks; has ties with key players in local, State, and Federal government; is not bound by the Posse Comitatus Act while serving in Title 32 status and thus has maximum flexibility; is responsible for and experienced with homeland security missions, including air sovereignty, disaster relief, responding to suspected weapons of mass destruction events, and counterdrug operations; has existing physical, communications, and training infrastructure throughout the U.S.; has existing training facilities, distance learning training networks, and a number of highly skilled individuals who have left active forces; and helps preserve constitutional balance between State and Federal sovereign interests, given its unique dual State/Federal role.

Moreover, Department of Defense reviews and reports, including the 2001 Quadrennial Defense Review and Reserve Component Employment 2005 Study, have made clear that the National Guard should have an expanded role in homeland security.

Other experts agree. The Hart-Rudman and Gilmore terrorism commissions as well as the recent Hart-Rudman Terrorism Task Force have recommended that the National Guard be given a more direct role in the war on terrorism.

In sum, this legislation is a sensible, efficient way to make our country safer from terrorism. I look forward to working with my colleagues to pass it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Guaranteeing a United and Resolute Defense Act of 2003'' or the ''GUARD Act of 2003''.

SEC. 2. FUNDING ASSISTANCE FOR HOMELAND SECURITY ACTIVITIES OF THE NATIONAL GUARD.

(a) IN GENERAL.—Chapter 1 of title 32, United States Code, is amended by inserting after section 112 the following new section:

''§ 112a. Homeland security activities

''(a) FUNDING ASSISTANCE.—(1) The Secretary of Defense may provide funds to the Governor of a State who submits to the Secretary a homeland security activities plan satisfying the requirements of subsection (b).

''(2) To be eligible for assistance under this subsection, a State shall have a homeland security activities plan in effect.

''(3) Any funds provided to a State under this subsection shall be used for the following:

''(A) Pay, allowances, clothing, subsistence, gratuities, travel, and related expenses, as authorized by State law, of personnel of the National Guard of the State for service performed for the purpose of homeland security while not in Federal service.

''(B) Operation and maintenance of the equipment and facilities of the National Guard of the State that are used for the purpose of homeland security.

''(C) Procurement of services and the purchase or leasing of equipment for the National Guard of the State for use for the purpose of homeland security.

''(b) HOMELAND SECURITY ACTIVITIES PLAN REQUIREMENTS.—The homeland security activities plan of a State—

''(1) shall specify how personnel and equipment of the National Guard of the State are to be used in homeland security activities and include a detailed explanation of the reasons why the National Guard should be used for the specified activities;

''(2) shall describe in detail how any available National Guard training facilities, including any distance learning programs and projects, are to be used;

''(3) shall include the Governor's certification that the activities under the plan are to be conducted at a time when the personnel involved are not in Federal service;

''(4) shall include the Governor's certification that participation by National Guard personnel in the activities under the plan is service in addition to training required under section 502 of this title;

''(5) shall include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general) that the use of the National Guard of the State for the activities proposed under the plan is authorized by, and is consistent with, State law;

''(6) shall include the Governor's certification that the Governor or a civilian law enforcement official of the State designated by the Governor has determined that any activities to be carried out in conjunction with Federal law enforcement agencies under the plan serve a State law enforcement purpose; and

''(7) may provide for the use of personnel and equipment of the National Guard of that State to assist the Directorate of Immigration Affairs of the Department of Homeland Security in the transportation of aliens who have violated a Federal or State law prohibiting terrorist acts.

''(c) EXAMINATION AND APPROVAL OF PLAN.—The Secretary of Defense shall examine the adequacy of each homeland security activities plan of a State and, if the plan is determined adequate, approve the plan.

''(d) ANNUAL REPORT.—(1) The Secretary of Defense shall submit to Congress each year a report on the assistance provided under this section during the preceding fiscal year, including the activities carried out with such assistance.

''(2) The annual report under this subsection shall include the following:

''(A) A description of the homeland security activities conducted under the homeland security activities plans with funds provided under this section.

''(B) An accounting of the funds provided to each State under this section.

''(C) An analysis of the effects on military training and readiness of using units and personnel of the National Guard to perform activities under the homeland security activities plans.

''(e) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform law enforcement functions authorized to be performed by the National Guard by the laws of the State concerned.

''(f) DEFINITIONS.—In this section:

''(1) The term 'Governor', in the case of the District of Columbia, means the commanding general of the National Guard of the District of Columbia.

''(2) The term 'homeland security activities', with respect to the National Guard of a State, means the use of National Guard personnel, when authorized by the law of the State and requested by the Governor of the State, to prevent, deter, defend against, and respond to an attack or threat of attack on the people and territory of the United States.

''(3) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 112 the following new item:

''112a. Homeland security activities.''.

By Mr. EDWARDS:

S. 216. A bill to authorize the National Institute of Standards and Technology to develop improvements in building and fire codes, standards, and practices to reduce the impact of terrorist and other extreme threats to the safety of buildings, their occupants, and emergency responders, and to authorize the Department of Homeland Security to form a task force to recommend ways to strengthen standards in the private security industry, stabilize the workforce, and create a safer environment for commercial building and industrial facility occupants; to the Committee on Commerce, Science, and Transportation.

Mr. EDWARDS. Mr. President, as we all know, when terrorists struck America on September 11, 2001, the greatest loss of life occurred when the World Trade Center's two towers fell. These two towers were symbols of America's strength and prosperity, and they were reduced to rubble by the two massive blows.

As we continue securing America against terrorist attacks, we need to give more attention to the security of large buildings, especially skyscrapers and arenas. There are approximately 500 skyscrapers in the United States that are regularly occupied by at least 5000 people, and there are 250 major arenas and stadiums that hold many times more. These buildings will be primary targets of potential terrorist attack. We must do more to ensure that these buildings are secure.

That is why I am introducing today the Building Security Act of 2003. The bill does two things: first, it supports the research and funding we need so that buildings can withstand extreme assaults, including terrorist attacks. Second, the bill takes steps so that buildings will be guarded by a security workforce that is adequately prepared to respond to these dangers.

Consider the construction of large buildings. Today, many older buildings lack fire retardants and blast-resistant materials that can save hundreds of lives in a disaster. As a result of the study of the attack on the Federal Building in Oklahoma City in 1995, we know that design changes that would have increased building costs by only 1 to 2 percent might have saved as many of 85 percent of the people killed in that attack. The early reports on the World Trade Center collapse have suggested that the two towers could have endured the impact of the planes, but that the extraordinary heat generated by the explosions weakened the steel structure of those buildings. Advanced technologies in building construction would surely have slowed their collapse. On the positive side, we know that improvements in the construction of the Pentagon mitigated the loss of life; the plane struck the Pentagon on the one side of the building where the windows were blast-resistant and the structural columns had been reinforced. Those changes likely saved many lives.

There are new, better construction practices and materials out there, but we are not using them as much as we should. Part of the reason is that today, our Nation's brightest scientists and most innovative companies do not have the resources needed to research, create, and implement these practices. We must enable these people to develop new methods and materials, and help industry meet the higher standards we need, and we must do all that as quickly and efficient as possible.

The bill I introduce today will provide $40 million for the National Institutes of Science and Technology, or NIST, to help improve construction standards. The needed research is happening now, but it needs to move much more quickly. This legislation will do three things: 1. undertake an intensive national research effort to determine both how to build strong buildings, and how to improve building codes and standards; 2. specifically research the question of how to ensure that these higher standards are actually met, whether by mandates, tax credits, or other incentives; and 3. provide technical guidance to builders in adopting the new standards and codes.

We also must address standards for private security officers. Our country's buildings are staffed by almost two million private security officers. While they have the critical responsibility of preventing emergencies and protecting building occupants from harm, these officers are often inadequately trained or compensated to do so. The industry suffers from low retention, deficient training, and meager salaries. The job turnover rate within the private security industry is as high as 300 percent per year. Recent studies show that 4 in 10 private security officers report no new security measures in their buildings since September 11, and 7 in 10 report that their buildings never conduct evacuation and emergency drills. And over half of the States have no clear oversight for their respective private security industries, nor do they have standards or screening requirements for new hires.

This legislation authorizes a review of the private security industry by a commission in the Department of Homeland Security that includes all those with critical knowledge of the industry. The commission is tasked with establishing industry guidelines and standards and developing a means to implement those guidelines and standards in a timely way.

Our Nation's buildings have been targeted before, and I believe that they will be targeted again. We must do much more to make these buildings secure. This bill is important step in the right direction.

By Mrs. BOXER (for herself and Mr. LAUTENBERG):

S. 217. A bill to reinstate felony penalties for licensed gun dealers who fail to maintain records of sales; to the Committee on the Judiciary.

Mrs. BOXER. Mr. President, today I am introducing a bill that could have a large impact on reducing gun violence in this country.

Last fall, two snipers terrorized the Washington, D.C. metropolitan area, killing ten victims and wounding others including children. Among the weapons used by the snipers was a high powered military-style assault rifle known as a Bushmaster XM15. Following the arrest of sniper suspects John Mohammed and John Lee Malvo, this weapon was linked to killings in Maryland, Virginia,Louisiana, and Alabama.

Agents from the Bureau of Alcohol, Tobacco and Firearms traced the Bushmaster weapon to a Tacoma, Washington gun dealership, the Bull's Eye Shooter Supply. Investigators even found the empty box in which the weapon was shipped.

But What the agents did not find was any record of the sale of the weapon because the gun dealer did not keep adequate records. If the gun was bought from Bull's Eye, we do not know when because there is no record of the Sale. There is no record of a gun application or a background check for John Mohammed. Had a background check been carried out, John Mohammed would not have obtained the weapon because a domestic violence restraining order had been field against him.

What is the weapon was stolen? If the owner of Bull's Eye had kept proper records and followed Federal law, he would have reported the weapon missing or stolen when it disappeared from the store. The knowledge that a Bushmaster XM15 was missing from a Tacoma area weapons store could have greatly aided investigators looking into the case.

The sloppy recordkeeping for this particular weapon was not an isolated case. it has been learned that inspectors had uncovered record-keeping violations in audits at Bull's Eye in 1998, 2000 and 2001. A total of 160 missing guns could not be accounted for in the 2000 audit.

This type of shoddy recordkeeping is dangerous. A small percentage of licensed dealers are responsible for a disproportionate number of crime guns. Specifically, 1.2 percent of all licensed gun dealers are responsible for the original sale of 57 percent of all firearms used in crimes, according to data from the ATF.

Gun dealers are not being punished when they ignore Federal recordkeeping laws. Why? Because in 1986, the National Rifle Association pushed a law through Congress that significantly weakened penalties for poor recordkeeping reducing maximum jail time for five years to one year. This meant that the crime was reduced from

a felony to a misdemeanor. With this change, the undermanned and underfunded Bureau of Alcohol, Tobacco and Firearms and Federal prosecutors simply could not afford to bring cases against gun dealers for misdemeanor violations.

It is time we restore record keeping violations to a felony and that is what my bill does. It is not a new gun law. It is merely making the penalties tougher for violations for existing law. Regardless of whether you support or oppose additional gun laws, we all agree that we need strong enforcement of existing laws. My bill would make enforcement easier and tougher. I hope my colleagues will support this common-sense legislation. I ask unanimous consent that the text of the bill and a letter of support from the Violence Policy Center be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REINSTATEMENT OF CRIMINAL FELONY PENALTIES FOR FAILURE TO MAINTAIN RECORDS OF FIREARMS SALES.

Section 924(a)(3) of title 18, United States Code, is amended by striking ''one year'' and inserting ''5 years''.

VIOLENCE POLICY CENTER,
Washington, DC, January 21, 2003.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: The Violence Policy strongly endorses your legislation to reinstate felony penalties for firearm recordkeeping violations. That this legislation is urgently needed is highlighted by the circumstances surrounding the tragic Washington-area sniper shootings. Bull's Eye Shooter Supply, the gun dealer in Washington state from which the snipers acquired their Bushmaster XM15 assault rifle, had no record of the gun leaving its inventory. The store simply could not account for the disposition of the gun used to kill 10 and would three in a shooting spree that terrorized the Washington metropolitan area.

This is not surprising taking into account the feeble penalties that currently apply to gun dealers who fail to keep adequate records. Your legislation would simply restore the felony penalty that applied until legislation backed by the National Rifle Association reduced it to a misdemeanor in 1986.

At the time, the Reagan Administration agreed that reducing recordkeeping violations to a misdemeanor was a dangerous idea. In 1986, the Director of the Bureau of Alcohol, Tobacco and Firearms (ATF) identified this penalty change as a ''weakness'' of the legislation in which it was included. In a memorandum to the Department of the Treasury's Assistant Secretary for Enforcement, the ATF Director wrote, ''By reducing all licensee recordkeeping violations to misdemeanors, serious violations could not be adequately prosecuted and punished, i.e., a dealer's sale of firearms off-record and his willful refusal to make or maintain any required record could only be prosecuted as misdemeanors.''

It's time to put the teeth back in dealer recordkeeping enforcement. The Violence Policy Center strongly supports swift passage of the Boxer legislation to reinstate felony penalties for failure to maintain records of firearms transfers.

Sincerely,

M. KRISTEN RAND,
Legislative Director.

By Ms. SNOWE (for herself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. KERRY):

S. 218. A bill to amend the Coastal Zone Management Act; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to support the Coastal Zone Enhancement Reauthorization of 2003. I am pleased to have bipartisan support for this bill and to be joined by the Chair and Ranking Democrats of the Commerce Committee and the Subcommittee on Oceans and Fisheries. Senators MCCAIN, HOLLINGS, and KERRY have been instrumental in developing the wide range of support for this bill and I appreciate their interest in improving the way we manage our Nation's valuable coastal and marine resources.

In 1972, Congress responded to concerns over the increasing demands being placed on our Nation's coastal regions and resources by enacting of the Coastal Zone Management Act. These pressures have greatly increased since the Act was originally authorized.

Although the coastal zone only comprises 10 percent of the contiguous U.S. land area, nearly 53 percent of all Americans live in these coastal regions, and more than 3,600 people are relocating there annually. This small portion of our country supports approximately 361 sea ports, contains most of our largest cities, and serves as critical habitat for a variety of plants and animals.

This bill reauthorizes and makes a number of important improvements to the Coastal Zone Management Act. Under the authorities in this Act, coastal States can choose to participate in the voluntary Federal Coastal Zone Management Program. States then design individual coastal zone management programs, taking their specific needs and problems into account, and then receive Federal matching funds to help carry out their program plans. State coastal zone programs manage issues ranging from public access to beaches, to protecting habitat, to coordinating permits for coastal development.

As a voluntary program, the framework of the CZMA provides guidelines for State plans to address multiple environmental, societal, cultural, and economic objectives.

The health of our coastal zone is vitally important not only to the multitude of plants and animals that inhabit this area, but also to the people and communities that are dependent on it for their livelihood. For example, coastal areas provide habitat for more than 75 percent of the U.S. commercial fisheries and 85 percent of the U.S. recreational fisheries. In turn, the commercial fishing industry, along with value-added services included, contributes $40 billion to the U.S. economy each year. Recreational fishing adds another $25 billion to the economy.

The Coastal Zone Management Program can be used to help balance the conservation of fish stocks with the demands that we place on coastal areas. In my State of Maine, a $150,000 study of the State's cargo needs led to a $27 million bond issue for cargo port improvements. As a result, Bath Iron Works built a new $45 million facility, creating 1,000 new jobs. Similar work needs to be done with our fishing ports so that when fisheries stock rebound, the fishermen will be able to realize the returns.

Unfortunately our precious coastal resources are being threatened by environmental problems, including nonpoint source pollution. Although the States are currently taking action to address this problem under existing authority, the Coastal Zone Enhancement Reauthorization of 2003 encourages, but does not require them to take additional steps to combat these problems through the Coastal Community Program.

This initiative provides States with the funding and flexibility needed to deal with their specific non-point source pollution problems. The States will have the ability to implement local solutions to a broad array of local problems. Many States are actively engaged in non-point source pollution programs and all can benefit from this new tool. I'm proud to say that Maine has risen to the challenge and already spends close to 30 percent of its funding on such activities. This has led to the reopening of hundreds of acres of shellfish beds and the restoration of fish nursery areas. Even with these successes, Maine is looking forward to this new opportunity to do more.

The Coastal Community Program in this bill also aides States in developing and implementing creative initiatives to deal with problems other than on-point source pollution. It increases Federal and State support of local community-based programs that address coastal environmental issues, such as the impact of development and sprawl on coastal uses and resources. This type of bottom-up management approach is critical.

The Coastal Zone Enhancement Reauthorization of 2003 significantly increases the authorization levels for the Coastal Zone Management Program, allowing States to better address their coastal management plan goals. The bill authorizes $135.5 million for fiscal year 2003, $141 million for fiscal year 2005 and increases the authorization levels by $5.5 million each year through fiscal year 2008. This increase in funding is necessary to allow the coastal programs to reach their full potential.

Additionally, the Coastal Zone Enhancement Reauthorization of 2003 increases authorization for the National

Estuarine Research Reserve System, NERRS, to $13 million in fiscal year 2004 with an additional $1 million increase each year through fiscal year 2008. NERRS is a network of reserves across the country that are operated as a cooperative federal-state partnership.

Currently, there are 25 reserves in 22 States. The provide an important opportunity for long-term research and education in these ecosystems. Additional funds will help strengthen this nationwide program which has not received increased funding commensurate with the addition of new reserves.

I would like to address a very serious problem facing the Coastal Zone Management Program that we have tried to rectify in this bill. The Administrative Grant program, section 306, serves as the base funding mechanism for the States' coastal zone management programs. The amount of funding each State receives is determined by a formula that takes into account both the length of the coastline and the population of each State.

However, since 1992, the Appropriations Committee has imposed a two million dollar cap per State on Administrative Grants. This was an attempt to ensure equitable allocation to all the participating states. Over the past eight years appropriations for Administrative Grants have increased by $19 million, yet the $2 million cap has remained. The result has been an inequitable distribution of these new funds. By fiscal year 2000, 13 States had reached this arbitrary $2 million cap. These 13 States account for 83 percent of our Nation's coastline and 76 percent of our coastal population.

It is not equitable to have the 13 States with the largest coastlines and populations stuck at a two million dollar cap, despite major overall funding increases. While smaller States have enjoyed additional programmatic success due to an influx of funding, some of the larger States have stagnated.

In an attempt to reassure members of the Appropriations Committee that a fair distribution of funds can occur without this hard cap in place, I have worked with Senator HOLLINGS to develop language that has been included in this bill that directs the Secretary of Commerce to ensure that equitable increases or decreases between funding years for each State. It further requires that States should not experience a decrease in base program funds in any year when the overall appropriations increase.

I would like to thank Senator HOLLINGS for his assistance in resolving this matter and his commitment over the years to ensuring that the States are treated fairly.

The Coastal Zone Management Program enjoys wide support among all of the coastal states due to its history of success. This support has been clearly demonstrated by the many members of the Commerce Committee who have worked with me to strengthen this program over the past several years.

I would like to thank Senator KERRY, the Ranking Democrat of the Oceans and Fisheries Subcommittee for his hard work and support of this bill. I would also like to express my appreciation to Senator MCCAIN, the Chairman of the Commerce Committee, and Senator HOLLINGS, the Ranking Democrat of the Committee, for their support of this measure and for their willingness to discharge this bill out of the committee so that we may begin working with our colleagues in the House of Representatives to enact this critical piece of legislation.

This is a solid, reasonable, and a realistic bill that enjoys bipartisan support on the Commerce Committee. It is time that we now turn to legislation reauthorizing a program with a long track record of preserving our coastal environment while allowing sensible development.

I am pleased to support this legislation that will provide the States with the necessary funding and framework to meet the challenges facing our coastal communities in the 21st century. I urge my colleagues to support it.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 25—DESIGNATING JANUARY 2003 AS ''NATIONAL MENTORING MONTH''

Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. DEWINE, Mr. BINGAMAN, Mr. BROWNBACK, Mr. DURBIN, Mr. DOMENICI, Mr. SPECTER, Ms. MIKULSKI, Mr. COCHRAN, Mrs. MURRAY, Mr. ALLEN, Mrs. CLINTON, Mr. FITZGERALD, Mr. AKAKA, Mr. DODD, and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 25

Whereas mentors serve as role models, advocates, friends, and advisors to youth in need;

Whereas numerous studies and research document that mentors help youth augment social skills and emotional well-being, improve cognitive skills, and plan for the future;

Whereas, for some youth, having a caring adult mentor to turn to for guidance and encouragement can make the crucial difference between success and failure in life;

Whereas 17,600,000 youth, nearly half the youth population, want or need mentors to help them reach their full potential.

Whereas there exists a large ''mentoring gap'' of unmet needs, as evidenced by the fact that just 2,500,000 youth are in formal mentoring relationships, leaving 15,000,000 youth still in need of mentors;

Whereas the celebration of National Mentoring Month will institutionalize the Nation's commitment to mentoring and raise awareness of mentoring in various forms;

Whereas a month-long focus on mentoring will tap into the vast pool of potential mentors and motivate adults to take action to help a youth;

Whereas National Mentoring Month will encourage organizations of all kinds—businesses, faith communities, government agencies, schools, and other organizations—to engage their constituents in mentoring; and

Whereas the celebration of that month would above all encourage more people to volunteer as mentors, to the benefit of the Nation's youth: Now, therefore, be it

Resolved, that the Senate—

(1) designates the month of January 2003 as ''National Mentoring Month''; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to observe the month with appropriate ceremonies and activities that promote awareness of and volunteer involvement with youth mentoring.

Mr. KENNEDY. Mr. President, it is a privilege today to join my colleagues in submitting a resolution recognizing January 2003 as National Mentoring Month. Business, community and media leaders have formed a coalition to raise public awareness about the importance of taking time to make a real difference in the life of a child.

Under the impressive leadership of the National Mentoring Partnership and the Harvard School of Public Health, the coalition is sponsoring an advertising campaign to explain the benefits of mentoring for children and mentors alike: Each of us has had adults who have made a positive difference for us, family, teachers, coaches, clergy, neighbors or caring friends who were there to listen and offer guidance. Each of us has the opportunity to offer that same gift to young persons today.

Each week with many of my colleagues in the Senate, I read with an elementary school student in the District of Columbia in the Everybody Wins program. During our lunchtime sessions, my first grade partner and I share good books and stories. Whether mentors choose reading programs or some other activity, these times are dedicated to listening and responding to the child's needs. Mentors have busy lives, and every child needs to know that we can make time for them.

In States across this country there are long lists of young persons waiting for mentors. This important project will connect new mentors to these waiting children, and enhance the quality of their lives. I urge the Senate to approve it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 246. Mr. THOMAS proposed an amendment to amendment SA 61 proposed by Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mr. AKAKA, Mr. BINGAMAN, Mr. FEINGOLD, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, AND Mrs. MURRAY) to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes.

SA 247. Ms. MIKULSKI (for herself and Mr. REID) proposed an amendment to amendment SA 61 proposed by Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mr. AKAKA, Mr. BINGAMAN, Mr. FEINGOLD, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, and Mrs. MURRAY) to the joint resolution H.J. Res. 2, supra.

SA 248. Ms. STABENOW proposed an amendment to the joint resolution H.J. Res. 2, supra.

TEXT OF AMENDMENTS

SA 246. Mr. THOMAS proposed an amendment to amend SA 61 proposed by Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mr. AKAKA, Mr. BINGAMAN, Mr. FEINGOLD, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, and Mrs. MURRAY) to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003 and for other purposes; as follows:

Strike all after the first word and insert the following:

___. While nothing in this section shall prevent any agency of the executive branch from subjecting work performed by Federal Government employees or private contractors to public-private competition or conversions, none of the funds made available in this Act may be used by an agency of the executive branch to establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of the executive agency to public-private competitions or for converting such employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy unless the goal, target, or quota is based on considered research and sound analysis of past activities and is consistent with the stated mission of the executive agency. Nothing in this section shall limit the use of such funds for the administration of the Government Performance and Results Act of 1993 or for the administration of any other provision of law.

SA 247. Ms. MIKULSKI (for herself and Mr. REID) proposed an amendment to amendment SA 61 proposed by Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mr. AKAKA, Mr. BINGAMAN, Mr. FEINGOLD, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, and Mrs. MURRAY) to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

In lieu of the language proposed to be inserted, insert the following:

SEC. ___. None of the funds made available in this Act may be used by an Executive agency to establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of the agency to public-private competitions or converting such employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other Administrative regulation, directive, or policy. This section shall take effect one day after the date of this bill's enactment.

SA 248. Ms. STABENOW proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

It is the sense of the Senate that the conferees on the part of the Senate on the disagreeing votes of the two Houses on this joint resolution should insist that the committee of conference ensure that the joint resolution as reported from the committee includes section 102 of division L relating to Homeland Security Act of 2002 Amendments, as passed by the Senate, (relating to amendments to sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296)).

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Rhonda Sinkfield of the Finance Committee staff be accorded floor privileges during the duration of debate on H.J. Res. 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I ask unanimous consent that Murali Raju, a fellow from my office, be granted the privilege of the floor for the duration of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 2 through 16, and 19.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under the title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. George W. Casey, Jr., 1204

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John P. Abizaid, 6229

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Celeste Colgan, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Jewel Spears Brooker, of Florida, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Elizabeth Fox-Genovese, of Georgia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Stephen McKnight, of Florida, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Sidney McPhee, of Tennessee, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Lawrence Okamura, of Missouri, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Marguerite Sullivan, of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Stephen Thernstrom, of Massachusetts, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

David Hertz, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Terry L. Maple, of Georgia, to be a Member of National Museum Services Board for a term expiring December 6, 2005

NATIONAL INSTITUTE FOR LITERACY

Phyllis C. Hunter, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term of two years. (New Position)

Blanca E. Enriquez, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term of three years. (New Position)

Douglas Carnine, of Oregon, to be a Member of the National Council Institute for Literacy Advisory Board for a term of three years. (New Position)

DEPARTMENT OF HOMELAND SECURITY

Asa Hutchinson, of Arkansas, to be Under Secretary for Border and Transportation, Department of Homeland Security. (New Position)

Mr. MCCAIN. Mr. President, the Senate has just confirmed the appointment of Asa Hutchinson to serve as the Under Secretary for Border and Transportation Security at the Department of Homeland Security. This is a very important position within the newly created Department, and one that encompasses far-reaching responsibilities. Therefore, I am pleased the Senate was able to move expeditiously on this confirmation so that Congressman Hutchinson can be in his position when the new Department officially begins operation tomorrow, January 24.

The Under Secretary for Border and Transportation Security is charged with critical duties, including: preventing the entry of terrorists and the instruments of terrorism into the United States; securing the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States; administering U.S. customs laws; establishing national immigration enforcement policies and priorities; carrying out INS immigration enforcement functioning; and administering the granting of visas or other forms of permission to enter the United States.

With these duties will go jurisdiction over many existing government units, including the United States Customs Service of the Department of the Treasury, the Transportation Security Administration, TSA, of the Department of Transportation, the Federal Protective Service of the General Services Administration, the Federal Law Enforcement Training Center of the Department of the Treasury, and the Office for Domestic Preparedness of the Office of Justice Programs of the Department of Justice.

Security policies are intertwined with safety policies, and many of the Under Secretary's functions are closely linked to other agencies of the federal governmental, such as the modal administrations responsible for transportation safety at the Department of Transportation. Further, many duties overseen by the Under Secretary have been and will continue to be performed by the Coast Guard. All of these functions will have to be carefully coordinated under Congressman Hutchinson's leadership.

The Under Secretary will face many difficult challenges, including those associated with the very serious situation at our southern border. For example, Arizona has been a leading gateway for illegal immigrants into the U.S. since the mid-1990s. Illegal immigrants are dying along on our borders. The attrition rate for Border Patrol Agents and INS inspectors has reached alarming levels. We have reached the point where we now have private citizens taking up arms and forming militia groups to patrol the border because they feel the federal government has failed to protect them. Just yesterday, the Wall Street Journal reported about the death of a U.S. Park Ranger in Arizona who was killed last August along the border, the fourth ranger killed in the line of duty since 1990. Further, uncompensated emergency and medical care provided to undocumented immigrants has left many border hospitals on the verge of financial ruin. Leadership and attention must be paramount in any effort undertaken by the Under Secretary to adequately address the wide range of border security issues, including how to ensure adequate resources are deployed for enforcement purposes.

Yesterday, the Commerce, Science, and Transportation Committee held its hearing to consider Congressman Hutchinson's nomination. We unanimously approved his nomination earlier today. The new Under Secretary will certainly have our Committee's full support as he takes on the many great challenges that he will face in his new position. The American public is very fortunate to have such a fine, capable, hardworking citizen agree to take on the immense responsibilities associated with this public service position.

I urge my colleagues' swift confirmation of Congressman Hutchinson.

Mr. LEAHY. Mr. President, the Senate today considers the nomination of Asa Hutchinson to become the first Undersecretary of Border and Transportation Security for the Department of Homeland Security. I will vote for this nomination, but not without reservations.

In addition to his service as head of the Drug Enforcement Administration, most of us in the Senate also know Asa Hutchinson from the substantial amount of time he spent on the floor of the Senate a few years ago during the impeachment trial of President Clinton. He and I were both involved in the deposition phase of that trial, and although we reached opposite conclusions on the question of impeachment, I found him to be a skilled attorney and advocate for his position, and a very likable colleague.

Because of my respect for him, I expedited his 2001 nomination to head the DEA. I noticed a hearing only days after becoming chairman of the Judiciary Committee, held the hearing the following week, and scheduled a committee vote for the earliest possible time. I then worked with Senator DASCHLE to have the full Senate consider his nomination as quickly as possible.

In his role as administrator, I believe he has done many things well. I do, however, have two concerns I would like to express today.

At his confirmation hearing to head the DEA, I asked Mr. Hutchinson whether the Federal Government should make it a priority to prosecute people who distribute marijuana to ill people in States that have legalized marijuana for medicinal use. He said he wanted to work with the Attorney General and develop an appropriate policy to reflect the Federal-State tensions involved in the issue. If such a policy was developed, I am unaware of it. In practice, the DEA under Administrator Hutchinson's leadership took a very tough line against the use of marijuana for medical purposes, launching a number of raids in California against individuals and groups that were operating in compliance with California law.

In Vermont, we are experiencing severe and growing problems with heroin abuse and our law enforcement officers face extraordinary burdens, it is problems like that that should be a priority for the DEA. Administrator Hutchinson's decision to use substantial Federal resources to crack down on the use of marijuana by ill people strikes me as setting the wrong priority, and certainly a different priority than he identified at his hearing.

I am also concerned by recent reports that Administrator Hutchinson made extensive use of Government planes at significant taxpayer expense for public appearances, while previous administrators flew commercially for similar events. If these reports are true, he would not be the first member of the Department of Justice to make questionable use of taxpayer dollars for travel. Similar questions were raised in 2001 about Attorney General Ashcroft's reliance on chartered planes. In addition, Hispanic agents have criticized Mr. Hutchinson for allowing the expiration of a committee that had been formed to brief the administrator on the concerns of Hispanic agents. I have not had the opportunity to discuss these accusations with him and his confirmation hearing for this post was not held before the Judiciary Committee. I would encourage Mr. Hutchinson to take affirmative steps to run an inclusive agency.

In his new position, Mr. Hutchinson will be responsible for ensuring that our borders are safe. I have worked extensively to strengthen our northern border, particularly since the terrorist attacks of September 11, 2001. I know that the personnel who protect our border are excellent, and I also know that they need more help. That is why I included provisions in the USA PATRIOT Act to triple INS and Customs personnel at the northern border, and to invest in improved technology and equipment to monitor the border. I look forward to working closely with Mr. Hutchinson to ensure that these provisions are finally and fully implemented and our borders are secure.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.